

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

ONLY COPY AVAILABLE

Docket No. 74-2087

IN THE
United States Court of Appeals
For the Second Circuit

WILLIAM J. HEAD,

Appellant.

—vs—

BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYEES (BRAC)

R. J. DEVLIN, Vice-President Express Division BRAC

C. L. DENNIS, Internal President BRAC

G. E. STEPHENSON, Secretary-Treasurer Express Division
BRAC,

Appellees.

Appeal From The United States District Court For
The Western District of New York State

APPELLANT'S APPENDIX

COLLINS, COLLINS & DINARDO
Attorneys for Appellant
John J. Collins, of Counsel
Suite 464 Statler Hilton
Buffalo, New York 14202

REILLY, FLEMING & REILLY
*Attorneys for Appellees, BRAC, Devlin,
Dennis & Stephenson*
1414 Avenue of the Americas
New York, New York 10019

WILLIAM J. DONLON
General Counsel, *Brotherhood of Railway
and Airline Clerks*
6300 River Road
Rosemont, Illinois 60018

Daily Record Corporation
Rochester, New York
(5758-6935)



ONLY COPY AVAILABLE

3

PAGINATION AS IN ORIGINAL COPY

TABLE OF CONTENTS

	Page
Complaint	1
Answer of Brotherhood of Railway et al.	6
Affidavit of William J. Head	8
Appendices attached:	
A. Proposal for Reorganization	19
B. Memorandum in Opposition to Proposal for Re- organization	47
C. Letter to all Local Lodge Officers, dated 6-13-74 w/attachments	67
D. Letter to D.J. Sullivan, dated 6-14-74	80
E. Letter to R.J. Corgel, dated 6-11-74	82
F. Letter to C.L. Dennis, dated 6-17-74	83
G. Mailgram Letter, dated 6-21-74	85
H. Letter to all BRAC Members	87
I. Letter to C.L. Dennis with attachments	94
Decision of Hon. John T. Curtin, dated 7-25-74	108

COMPLAINT.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

WILLIAM J. HEAD

Plaintiff

vs-

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAM-
SHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYEES (BRAC)

R. J. DEVLIN, Vice-President
Express Division, BRAC

C-O-M-P-L-A-I-N-T

C. L. DENNIS, International President
BRAC

CIVIL ACTION
NO. _____

G. E. STEPHENSON, Secretary-Treasurer
Express Division BRAC

CIV - 74 - 307

Defendants

Plaintiff, by his attorneys, COLLINS & COLLINS, for his
complaint against the defendants herein alleges:

1. This is an action for injunction to enjoin the
defendants herein from phasing or closing out of all Local Lodges
of the Express Division of the Brotherhood of Railway, Airline
and Steamship Clerks, Freight Handlers, Express and Station
Employees (B.R.A.C.) and to enjoin the aforesaid union, its
officials and employees from transferring the residual funds of the
local lodges of the Express Division B.R.A.C. to the control and
custody of international officers of the Express Division B.R.A.C.,
and for an order to enforce the defendants to comply with require-
ments of the Constitution of the B.R.A.C. and to further comply
with a resolution of the Grand Lodge Convention B.R.A.C. as
required under the Labor Management Reporting and Disclosure Act
of 1959, as amended, 29 USC 501 et seq.

2. This action arises under Sections 1331 and 1337 of
Title 28 of the United States Code. The matter in controversy
exceeds the sum of Ten Thousand (\$10,000.00) Dollars.

ONLY COPY AVAILABLE

Complaint.

3. Plaintiff, WILLIAM E. NEW, is an officer of the defendant, B.R.A.C., and maintains his office as General Chairman of the Empire District Board of Adjustment in Lackawanna, New York.

4. That defendant, B.R.A.C., is the certified bargaining agent for employees of the R.E.A. Express Company, and others; that the division of the B.R.A.C. which represents Railway Express Company employees is referred to as the Express Division of B.R.A.C.

5. That defendant, C. L. DENNIS, is the International President of B.R.A.C.

6. That defendants, R. J. DEVLIN and G. E. STEPHENSON, are officers of the B.R.A.C., that R. J. Devlin is International Vice-President of B.R.A.C. and defendant, G. E. Stephenson, is Secretary-Treasurer of B.R.A.C. and both are associated with the Express Division of B.R.A.C.

7. That on or about May 28th and 29th, 1974, a proposal for the reorganization of the Express Division of B.R.A.C. was presented to the General Chairmans Association, B.R.A.C., at a meeting held in Rosemont, Illinois; that said proposal was approved by a vote of the association members by an 11 to 3 vote.

8. That on or about June 5th, 1974, the proposed reorganization plan was submitted to the Structural ^{WRC} Committee B.R.A.C., that said Committee was organized pursuant to Resolution 201 of the 1971 B.R.A.C. Grand Lodge Convention, that the proposal was approved by a 13 to 3 vote of this Committee.

9. That the defendants, B.R.A.C., C. L. DENNIS, R. J. DEVLIN and G. E. STEPHENSON, started proceedings to implement the proposed reorganization by ordering a closing or phasing out of all local lodges of the Express Division B.R.A.C. and further ordering that all residual funds of the local lodges be forwarded to the Secretary-Treasurer, Express Division B.R.A.C.

ONLY COPY AVAILABLE

3
Complaint.

10. That local lodges were not notified of the reorganization proposals prior to the adoption by the Structure Committee, nor the approval of the Executive Council of B.R.A.C. and defendant, International President, C. L. DENNIS.

11. That defendants have failed to comply with the requirements of Resolution 201 before implementing the proposed reorganization.

12. That defendants have instigated procedures to change the Constitution of B.R.A.C. without meeting the requirements of the Constitution.

13. That defendants have ordered the termination of all local lodges without meeting the requirements of the B.R.A.C. Constitution.

14. That defendants have ordered the local lodges of B.R.A.C. Express Division to turn over all local lodge funds to an international officer without following legal and constitutional requirements.

15. That the order to turn over all local lodge funds and the order to terminate all local lodges is in violation of Section 501 of the Labor Management Reporting and Disclosure Act of 1959 as amended 29 U.S.C. 501.

16. That plaintiff has notified International President Dennis and B.R.A.C. that a law suit should be brought to force a compliance with Section 501 of the Labor Management Reporting and Disclosure Act of 1959, and plaintiff has complied with all other requirements of the Act.

17. That defendants have refused to start an action or lawsuit to stop the violation of Section 501.

18. That plaintiff has requested defendants to exhaust remedies within the union.

ONLY COPY AVAILABLE

Complaint.

19. That defendants have refused to stay proceedings in the reorganization until interunion procedure can be completed.

20. That appeal to the Grand Lodge Convention may not be taken until May 1975.

21. That inter-union action would be futile in that the local lodge funds would be misappropriated and used in conflict with Constitutional requirements long before disposition of the appeal.

22. That all local lodge charters would be terminated and all local lodges would have passed out of existence.

23. That local lodge funds would be co-mingled and used for purposes not authorized under the B.R.A.C. Constitution.

WHEREFORE, plaintiff prays that the Court issue a preliminary injunction to be made permanent on final hearing:

1. Restraining and enjoining the said defendant, its officers, members, agents, servants and employees, including all persons represented by the defendant, employed by the defendant and all persons in active concert and participation with them, and all persons acting by, with, through and under them, or by their order, to cease and desist from:

Ordering, authorizing, encouraging, inducing, approving, continuing, starting, permitting or participating in, by any means or under any pretense the re-organizing or restructuring of local lodges or other units of the Express Division of B.R.A.C. or the termination or phasing out of any local lodge and/or other units as constituted on June 5, 1974.

Ordering, authorizing, encouraging, inducing, approving, continuing, starting, permitting, or participating in the appropriation or transfer of residual funds, or local lodge dues from the local lodges of the Express Division of B.R.A.C.,

5
Complaint.

to any international or other officer of B.R.A.C., other than for the regular transfer of dues and funds as authorized prior to June 5th, 1974.

2. Directing the defendants to comply with the requirements of the Constitution, Statutes and Protective Laws of the Constitution of the Grand Lodge of B.R.A.C.

3. Ordering a recovery be granted to plaintiff for legal fees involved herein as well as reimbursement for all expenses necessarily paid out or incurred.

That plaintiff have such other and further relief as may be just and proper in the circumstances of this case.

COLLINS & COLLINS
Attorneys for Plaintiff

JOHN T. COLLINS, of counsel
Office & P. O. Address
Suite 464 Statler Hilton
Buffalo, New York 14202
(716-854-8195)

STATE OF NEW YORK)
COUNTY OF ERIE : SS:
CITY OF BUFFALO)

On the 27th day of June, 1974, WILLIAM J. HEAD, read the foregoing complaint, and knows the contents thereof; that the same is true to his knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes are true.

Subscribed and sworn to before me
this 27th day of June, 1974.

JOHN T. COLLINS
Notary Public State of New York
Qualified in Erie County
My Commission expires Mar. 30, 1975

ONLY COPY AVAILABLE

ANSWER OF BROTHERHOOD OF RAILWAY et al.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

WILLIAM J. HEAD

Plaintiff

-vs-

BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYEES (BRAC)

CIVIL ACTION

R. J. DEVLIN, Vice-President
Express Division, BRAC

NO. 1974-307

C. L. DENNIS, International President
BRAC

G. E. STEPHENSON, Secretary-Treasurer
Express Division BRAC

Defendants

ANSWER OF BROTHERHOOD OF RAILWAY,
AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYEES (BRAC),
R. J. DEVLIN, Vice-President,
BRAC, C. L. DENNIS, International
President BRAC, G. E. STEPHENSON,
Secretary-Treasurer, Express
Division BRAC.

The defendants in the above entitled action oppose the request of the plaintiff WILLIAM J. HEAD, for interlocutory relief by way of a preliminary injunction to prohibit the defendant Union and its officers or agents from carrying into effect the approved plan of restructuring the Express Division of BRAC.

Defendants have moved this Court for an Order dismissing the complaint or in the alternative, for summary judgment of the defendants. Such motion is to be heard by this Court prior to the hearing on the plaintiff's application for a preliminary injunction, and attached to the defendants' motion papers are affidavits setting forth the

Answer of Brotherhood of Railway et al.

Facts of the case in great detail. Rather than burden the Court with other, but substantially similar, affidavits in support of this Answer, it is respectfully requested that the Court refer to such affidavits as if they were submitted in support of this opposition to the plaintiff's request for a preliminary injunction.

There is submitted herewith a Memorandum of Points and Authorities in support of the position of the defendants.

DATED: Buffalo, New York,
July 11th, 1974

Respectfully submitted,

S/THOMAS P. McMAHON

McMAHON & CROTTY
Attorneys for BRAC, Devlin,
Dennis & Stephenson
1028 Liberty Bank Building
Buffalo, New York 14202

S/DAVID J. FLEMING

DAVID J. FLEMING
Reilly, Fleming & Reilly
Attorneys for BRAC, Devlin,
Dennis & Stephenson
1414 Avenue of the Americas
New York, New York 10019

WILLIAM J. DONLON, General Counsel

Brotherhood of Railway and Airline Clerks
6300 River Road,
Rosemont, Illinois 60018

AFFIDAVIT OF WILLIAM J. HEAD.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

WILLIAM J. HEAD

Plaintiff

A-F-F-I-D-A-V-I-T

vs-

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAM-
SHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYEES (BRAC)

R. J. DEVLIN, Vice-President
Express Division, BRAC

C. L. DENNIS, International President
BRAC

B. E. STEPHENSON, Secretary-Treasurer
Express Division BRAC

Defendants

STATE OF NEW YORK)
COUNTY OF ERIE : SS:
CITY OF BUFFALO)

WILLIAM J. HEAD, being duly sworn deposes and says:

1. That deponent is an employee of the R.E.A. Express Company and a member of the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees. (BRAC)

2. That deponent is a resident of the Town of Orchard Park, New York.

3. That the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees is a voluntary unincorporated association and labor organization within the meaning of the Railway Labor Act and other laws of the United States. That the B.R.A.C. is the certified bargaining agent for employees of the R.E.A. Express as well as employees engaged in interstate commerce.

4. That deponent is a union official of B.R.A.C., having been duly elected to the office of General Chairman of the Empire District Board of Adjustment, with an office located at P. O. Box 40, Lackawanna, New York 14218.

ONLY COPY AVAILABLE

Affidavit of William J. Head.

5. That deponent is a member of the Structure Committee of the B.R.A.C. That said committee was established by Resolution 201 of the 1971 Convention of the B.R.A.C.

RESOLUTION NO. 201

(As Amended)

STRUCTURE COMMITTEE

WHEREAS, A Committee on Structure be authorized by the 1971 Convention and be charged with the responsibility of recommending specific changes in structure to the 1975 Convention, and

WHEREAS, Such task cannot be effectively undertaken unless the Committee on Structure is specifically authorized as to the scope of its functions, operations and financial resources, and

WHEREAS, In order for the Committee on Structure to effectively carry out its duties, it is imperative that experimentation be allowed to test the desirability of proposed improvements in the Brotherhood structure.

THEREFORE, BE IT RESOLVED, That the 1971 Convention authorize the Committee on Structure as follows:

1. FUNCTIONS. The Committee shall be invested with the specific responsibility to investigate the forms and types of union structure in existence today; to solicit and receive suggestions for improvement of our present structure from our membership and officers on a local, system, and national level, and to report to the next regular BRAC Convention with specific recommendations, based on its studies, for improvements of the basic structure of the BRAC.

2. OPERATIONS. The Committee shall hold meetings, hearings, special investigations and any other related activities as may be deemed appropriate by the Chairman or by a majority of the members of the Committee.

3. FINANCES. The Grand Lodge will absorb the travel, per diem, and other appropriate expenses as may be incurred by the

Affidavit of William J. Head.

Committee in the pursuit of its assigned duties and responsibilities.

THEREFORE, BE IT FURTHER RESOLVED, That such Committee on structure be authorized by Convention Action to recommend to the Executive Council, on a temporary experimental basis, structural changes in subordinate units of the BRAC, which can only be effected if the involved units accept these changes. Subordinate units shall also have the right to propose structural changes which, if approved by the Committee and the Executive Council, may be implemented on an experimental basis; and

THEREFORE, BE IT FURTHER RESOLVED, That any successful experiment cannot be automatically accepted as a permanent change in the structure unless it is within the framework of the Constitution and approved by the next regular Convention; and

THEREFORE, BE IT FURTHER RESOLVED, That the delegates here assembled instruct the International President to appoint a structure Committee, consisting of a Chairman and not more than a total of twenty (20) members, chosen from various units and divisions of the Brotherhood, specifically Railroad, Canada, T.C., Express, Airlines and Allied Services, such Committee to be appointed with proportionate representation from the various divisions to undertake a complete study of the structure of our Brotherhood and to complete such a study prior to our next Quadrennial Convention and submit its recommendations to the International President and Executive Council, not less than ninety (90) days prior to the convening of the next Quadrennial Convention, and that said report and recommendations be submitted to the Committee on Constitution and Laws.

6. That early in May, 1974, deponent, through rumor, heard that a proposed re-structuring of the Express Division of B.R.A.C. was to be put into operation.

7. That on or about May 28th, 1974, a meeting of the General Chairman's Association was held in Rosemont, Illinois. That fourteen of fifteen members of the association were present, including deponent.

8. That International Vice President, R. J. Devlin, B.R.A.C., submitted a proposal for the re-organization of the Express Division, B.R.A.C. (Appendix A), a copy of which is attached hereto and made a part of this affidavit.

9. That a discussion of the proposed re-organization was held on May 28th, 1974; that said discussion lasted approximately two (2) hours; that following the discussion the reorganization proposal (Appendix A) was presented to the General Chairman's Association members present.

10. That a three hour discussion was held on May 29th, 1974, a vote taken, and the proposal was approved by an 11 to 3 vote of the General Chairman's Association.

11. That a meeting of the Structure Committee was held on June 5th, 1974; that sixteen of the twenty members of the committee, including deponent, were present; that after a four hour discussion, the proposal was passed by a 13 to 3 vote to become effective July 1st, 1974.

12. That deponent submitted a memorandum to the Structure Committee in opposition to the proposal for reorganization of the Express Division, B.R.A.C. (Appendix B)

13. That under the proposed reorganization deponent would receive financial benefits as an Area Representative (Page 22 of the proposal - Appendix A) at a salary of \$19,000.00 per year or deponent would receive a separation allowance of \$14,933.04 plus 10% increase in July, 1974, and 10% increase in October, 1974 (12 month wage) as General Chairman. Deponent would also become a

member of the Board of Trustees. (Page 23 of proposal)

14. That deponent cannot, in good conscience, support the proposed reorganization. Under the proposal all local lodges of the Express Division will be terminated and all district boards will be phased out. This will result in local funds confiscated and misappropriated by being transferred to the Secretary-Treasurer of the Express Division (Appendix C and D).

This is a violation of the Constitution of the B.R.A.C. and does not comply with the requirements of Resolution 201.

15. That the proposal for reorganization was recommended to the Executive Council of B.R.A.C.; that the Executive Council approved the restructuring of the Express Division of B.R.A.C. and International President, C.L. Dennis ordered as follows:

"Effective July 1, all District Boards will be consolidated into the Express Division. During the months of July, August, and September, the Executive Committee of the newly established Division consisting of International Vice President R. J. Devlin, Secretary-Treasurer G. E. Stephenson, Vice President S. E. Milone, Eddie Marshman, W. A. Johnson, H. P. Simonis, J. J. Witmeyer, and F. V. McCormick, will carefully examine the present jurisdiction of Local Lodges and then establish Districts based on a nation-wide structure. As these Districts are established, the Local Lodges within those Districts will be closed out and all residual funds transferred to Secretary-Treasurer G. E. Stephenson, Express Division. In the interim period, Local Lodges and Local Lodge Officers are hereby advised that they are prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974." (See Appendix C and D)

16. That Vice President, R. J. Devlin, Express Division, had previously ordered all dues to be paid to G. E. Stephenson, Secretary-Treasurer, Express Division, B.R.A.C.

File: 116-1

Subject: Rules - Dues Deductions-
REA Express

June 11, 1974

Mr. R. J. Corgel
Vice President, Labor and Service Control
REA Express
219 East 42nd Street
New York, New York 10017

Affidavit of William J. Head.

Dear Sir:

This letter will serve as your authority to deduct \$12.50 for all employees, on uniform payroll deduction, under our jurisdiction, during the payroll period in June, 1974 (July, 1974 dues) and each month thereafter unless specifically instructed to do otherwise by this office.

Remittance covering these deductions should be made payable and forwarded to,

Mr. G. L. Stephenson
Secretary-Treasurer, Express Division
BRAC
Suite 3-A
141 West 41 Street
New York, New York 10036

Very truly yours,

R. J. Devlin
International Vice President

cc; Mr. C. L. Dennis, International President
Mr. D. J. Sullivan, International Secretary-Treasurer
All Express General Chairmen

(See Appendix E)

17. That deponent requested that International President Dennis initiate a Court action against himself as International President of the Brotherhood for violations of Sections 501 (a) and (b) of the Labor Management Reporting and Disclosure Act of 1959 as amended 29 US Code U.S.C. 501. (See Appendix F)

18. That International President, C. L. Dennis, refused to institute a suit to restrain the illegal transfer of the funds of the 120 Local Lodges of B.R.A.C. and to further restrain the dissolution of the Locals in violation of the Constitution and By-Laws of the B.R.A.C. (See Appendix G)

19. That at no time prior to the proposed restructuring of the Express Division of B.R.A.C. were the Local Lodges informed of the proposed changes.

20. That at no time prior to or following the adopted changes were the Local Lodges consulted, or asked to vote on, approve or accept the proposed changes. (Resolution 201 - reads in part:

THEREFORE, BE IT FURTHER RESOLVED, That such Committee on Structure be authorized by Convention Action to recommend to the Executive Council, on a temporary experimental basis, structural changes in subordinate units of the B.R.A.C., which can only be effected if the involved units accept these changes. Subordinate units shall also have the right to propose structural changes which, if approved by the Committee and the Executive Council, may be implemented on an experimental basis; and

THEREFORE, BE IT FURTHER RESOLVED, That any successful experiment cannot be automatically accepted as a permanent change in the structure unless it is within the framework of the Constitution and approved by the next regular Convention; and

THEREFORE, BE IT FURTHER RESOLVED, That the delegates here assembled instruct the International President to appoint a Structure Committee, consisting of a Chairman and not more than a total of twenty (20) members, chosen from various units and divisions of the Brotherhood, specifically Railroad, Canada, T.C., Express, Airlines and Allied Services, such Committee to be appointed with proportionate representation for the various divisions to undertake a complete study of the structure of our Brotherhood and to complete such a study prior to our next Quadrennial Convention and submit its recommendations to the International President and Executive Council, not less than ninety (90) days prior to the convening of the next Quadrennial Convention, and that said report and recommendations be submitted to the Committee on Constitution and Laws.)

21. That once the funds of the Local Lodges are co-mingled and used by the Express Division of B.R.A.C. to pay the self voted inflated wages of the self installed officers as set forth under the restructuring order, it will be futile to attempt a recovery if the restructuring proposal is later rejected by the

Grand Lodge Convention to be held in May of 1975.

22. That a notice of appeal within the union was served on International President C. C. Dennis (See Appendix H). This was referred to the Executive Council, the body that approved the restructuring; said referral to be presented at the next regular meeting of the Executive Council (no determined date). This referral is futile and will not terminate the confiscation and misappropriation of Local Lodge funds scheduled for July 1st, 1974.

23. Article 2, Section 1 of the Constitution of the Grand Lodge reads:

GRAND LODGE

Section 1. The sovereign body of the Brotherhood shall be called the Grand Lodge and will have absolute and exclusive jurisdiction over all matters pertaining to the Brotherhood; it is the true and legitimate source of all authority, the final resort of appeal, and there is no power vested in any officer, committee or body of members, except in convention assembled, to repeal, alter or change its law and decisions, except by referendum vote as hereinafter provided.

24. Article 6 of the Constitution of the Grand Lodge establishes Local Lodges.

25. Article 8, Section 1 (a), of the Constitution sets forth the procedure used in placing a proposed amendment before the Grand Lodge Convention.

26. Article 34 of the Constitution reads as follows:

AMENDMENTS TO CONSTITUTION,
STATUTES FOR THE GOVERNMENT OF LODGES AND
PROTECTIVE LAWS, OR T. C. DIVISION BY-LAWS

How Amended

Section 1. Amendments to this Constitution, Statutes for the Government of Lodges and Protective Laws, or T.C. Division By-Laws can only be made by the delegates and International Officers in conventions assembled or by a referendum as provided for in Article 32 of this Constitution. All proposed alterations or amendments shall be in writing and shall be filed with the International President on or before April 1, preceding the Grand Lodge Convention, except proposed amendments to T.C. Division By-Laws

Affidavit of William J. Head.

shall be presented and handled as set forth in said By-Laws. The International President shall, on or before April 20, mail copies of all such proposed amendments to all International Officers and copies to each of the delegates to the coming Convention, provided that the Grand Lodge may at any Convention by a majority vote take up and consider any proposed amendment.

Section 2. Except by referendum as provided for in Article 32 of this Constitution, a two-thirds vote of the delegates and Officers of the Grand Lodge present at a Convention and voting shall be required to adopt any amendment to this Constitution, Statutes for the Government of Lodges and Protective Laws, or T. C. Division By-Laws and such amendments shall not be operative until sixty (60) days after the adjournment of the Grand Lodge unless otherwise ordered by two-thirds vote. International Officers (except those who have been elected as delegates) shall not have a vote on an amendment to the Constitution proposing to increase dues or initiation fees, or to levy a general or special assessment."

Three (3) members of the Structure Committee who voted on the proposal were International Lodge officers. Under Article 34 of the Constitution International Officers are expressly forbidden to vote on an amendment to the Constitution proposing to increase dues or initiation fees or to levy a general or special assessment. Some members of the Express Division are paying less than \$12.50 per month at present.

27. The actions of the International Lodge and its officers as set forth in this affidavit have in no way complied with the Constitutional requirements for the reorganization of the Express Division of B.R.A.C. in that:

(1) The proposed restructuring involves a change in the historical make-up of B.R.A.C. That such an amendment can only be accomplished through the procedure set forth in Article 34 of the Constitution.

(2) While Resolution 201, allows the Structure Committee to recommend structural changes in subordinate units, it in no way

Affidavit of William J. Head.

allows a Constitutional change wherein the subordinate units are abolished. Even for a structural change, the subordinate units (Local Lodges) must approve or accept the changes through procedure set forth in the Constitution.

3. Section 501 of the Labor Management Reporting and Disclosure Act of 1959, as amended, 29 USC, requires that a labor union manage, invest and expend its money and property solely for the benefit of the organization and its members in accordance with its Constitution and By-Laws and any resolutions of the governing bodies adopted thereunder.

28. That defendants, C.L. Dennis and R. J. Devlin, have ordered the implementation of the reorganization proposal while knowing that constitutional changes are involved. In an undated letter addressed to All B.R.A.C. Members - R.E.A. Division, they state at page 5 of Appendix H:

"Since this proposal does involve suggested constitutional changes it was submitted to, and approved by, the Structure Committee for temporary operating authority and then submitted to, and approved by, the Executive Council."

29. That deponent has received many calls and correspondence from subordinate units of B.R.A.C. located throughout the United States in opposition to the take over of the finances of the locals and in opposition to the phasing out of the local lodges. (Appendix I).

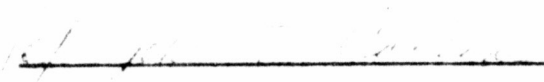
STATE OF NEW YORK)
COUNTY OF ERIE : SS:
CITY OF BUFFALO)

WILLIAM J. HEAD, being duly sworn, deposes and says: that deponent is the plaintiff in the within action; that deponent has read the foregoing affidavit and appendix and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Affidavit of William J. Head.

STATE OF NEW YORK)
COUNTY OF ERIE : SS:
CITY OF BUFFALO)

On this 27th day of June, 1974, before me personally appeared WILLIAM J. HEAD, to me known and known to me to be the same person described in and who executed the within instrument and he duly acknowledged to me that he executed the same.


JOHN T. COLLINS
Notary Public State of New York
Qualified in Erie County
My Commission expires Mar. 30, 1975

**Appendix A — Proposal for Reorganization
attached to Head Affidavit.**

PROPOSAL FOR REORGANIZATION OF THE EXPRESS VISION, BRAC

1. Historical Development of the Problem

As a result of a decline in business, there has been a consistent erosion of our membership base in the Express Division. All officers in all levels of the Division have made valiant and successful efforts to keep the Division operating on an effective basis in spite of this decline in membership. However, almost all have also come to realize that this is an increasingly difficult, if not impossible, task.

A. District Board Level

We presently have 15 U.S. District Boards. In 1970, we had 16. In 1973, we merged District Board 502 (Texas & Louisiana) with District Board 515 (Southwestern).

Presently, we have 23,000 members as compared to 30,000 on January 1, 1971. Depending on the time of year, approximately 60 to 65% of these are full dues paying members. Divided by 15 District Boards, this means an average of 1,533 members per Board. Actually, of course, the real situation is not reflected in the average, since the range in size of Boards is from a high of 3,121 (DEA 504, Simonis) to a low of 321 (DEA 503, Wilkinson). Further 5 of the 15 Boards are below 1,200 members.

The members as of April 1, 1974 break down as follows on a high to low basis:

H.P.S.	504	3,121
W.A.J.	510	2,939
S.E.M.	513	2,350
E.H.	511	2,300
J.J.W.	515	2,080
G.E.S.	501	1,935
C.T.R.	506	1,503
T.F.T.	512	1,359
G.E.L.	514	1,228
W.J.H.	507	1,220

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

F.V.M.C.	508	790
W.E.	505	728
M.C.M.	516	448
G.K.	509	439
W.W.W.	503	321
		<u>22,761</u>

Thus, we have a union structure which was historically developed to service the needs of 40,000 to 50,000 members, and we are trying to stretch its resources to service a base of only 23,000. This, obviously, is impossible in the long range.

Beyond the simple numbers involved, we are also faced with other serious considerations which stem directly from this decline in membership:

1. A number of District Boards have experienced great financial difficulty in holding District Board Meetings;
2. Several General Chairmen have had to move from a full-time to a part-time status;
3. The salaries of Express General Chairmen and other Board officers have, generally speaking, fallen considerably below those of other Board level officers of the union;
4. The ability of Board officers to travel over their jurisdiction is becoming increasingly limited;
5. Ten of our 15 General Chairmen must operate without full-time secretarial assistance;
6. Many of our General Chairmen are unable to maintain professional office facilities;
7. We presently have 13 full-time officers on a District Board level. However, in many instances where we have more than one full-time officer in a given District Board they are, at best, financially precarious.

**Appendix A — Proposal for Reorganization
attached to Head Affidavit.**

Given these facts, it is clear that our ability to provide full-time District Board level representation has been strained beyond its reasonable limit. Yet, the needs of our members clearly call for full-time officers.

B. Local Lodge Level

We presently have 120 local lodges which are under the jurisdiction of Express District Boards. They range in size from 27 members to 1,426 members. On the basis of 23,000 members this would be an average of 192 members per local lodge. The high to low count of Express Local Lodges is as follows:

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELEC. YEAR</u>
2219	Chicago Terminal	1426	504	Huck	1974
2147	New York Terminal	1282	513	McCarthy	1974
✓ 2004	Los Angeles, California	715	514	Diamond	1974
2040	Atlanta, Georgia	693	510	Ingram	1976
2035	New York Vehicle	681	513	Carlo	1974
2087	Chicago Office	634	504	Mahieu	1974
2075	Detroit, Michigan	606	511 (147)	Booker	1974
2151	Philadelphia, Pennsylvania	604	501	Smith	1976
2350	Chicago Vehicle	581	504	Lima	1975
2028	Boston, Massachusetts	551	512	Balbano	1974
2029	St. Louis, Missouri	529	515	Bernatowski	1974
2008	Dallas, Texas	495	515 (147)	Moore	1975
2037	Washington, D.C.	464	506	Mangold	1975
2024	Kansas City, Missouri	443	505	King	1975
2158	Pittsburgh, Pennsylvania	405	501 (147)	Cianca	1974
2144	Buffalo, New York	396	507 (147)	Waters	1974
2043	Milwaukee, Wisconsin	378	504 (147)	Schlesien	1975
2015	Cincinnati, Ohio	357	511	Johnson	1975

**Appendix A — Proposal for Reorganization
attached to Head Affidavit.**

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELEC YEAR</u>
2068	St. Paul, Minnesota	338	509 (147)	Felien	1974
2058	Miami, Florida	291	510 (147)	Moore	1975
2184	San Francisco, California	281	508	Roe	1975
2100	Cleveland, Ohio	268	511 (147)	Stanton	1974
2070	Newark, New Jersey	265	501	Fernicola	1974
2165	Chattanooga, Tennessee	241	510	Mays	1975
2279	Jacksonville, Florida	229	510	Davis	
2048	New Orleans, Louisiana	227	515	Hanafy	1974
2009	Denver, Colorado	223	514	Barrett	1974
2052	Memphis, Tennessee	221	515	McKinnie	1974
2173	Waterloo, Iowa	215	503	Armstrong	1975
2114	Los Angeles, California	213	514	Lansing	1975
2051	Columbus, Ohio	211	511	Yoakum	1974
2005	Baltimore, Maryland	211	501	McDonnell	1974
2130	New York, New York	209	513	Bannon	1974
2071	Nashville, Tennessee	204	510	Pilkinton	1975
2017	St. Louis, Missouri	196	515	Patterson	1975
2226	Albany, New York	193	507	Wilbur	
2049	Indianapolis, Indiana	184	511	Ray	1974
2099	Greensboro, North Carolina	181	506	Daughtry	1976
2081	Roanoke, Virginia	180	506	Morris	1974
2216	Seattle, Washington	178	516	Bartkowski	1974
2146	Jacksonville, Florida	178	510	Meares	1975
2166	Hartford, Connecticut	174	512	DiNocenza	1976
2076	Montgomery, Alabama	170	510	Stinchcomb	1975
2110	Oakland, California	169	508	Unruh	1976
2101	San Antonio, Texas	165	515 (147)	Chabers	1974

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

<u>LOCHL NO.</u>	<u>LO CATION</u>	<u>MEMBERS</u>	<u>D. A.</u>	<u>L/C</u>	<u>ELC. YEAR</u>
2162	New Haven, Connecticut	167	512	Gilhuly	1975
2188	Jamaica, New York	159	513	Cole	1974
2132	Harrisburg, Pennsylvania	157	501	Woods	1974
2210	Portland, Oregon	156	516	Myrick	1974
2018	Salt Lake City, Utah	153	508	Nicholl	1975
2060	Houston, Texas	152	515 (147)	Denson	1975
2074	Charlotte, North Carolina	147	506	Scott	
2042	Birmingham, Alabama	145	510	Heatherly	1974
2041	Louisville, Kentucky	143	510	Pryor	1975
2136	Providence, Rhode Island	131	512	Bachand	
2163	Richmond, Virginia	123	506	Dix	1975
2172	Wichita, Kansas	121	505	Schroeder	1974
2176	San Francisco, California	118	508	Uribe	1975
✓ 2150	Newark, New Jersey	117	507	Markowski	
2010	Oklahoma City, Oklahoma	117	505	Kale	1976
2103	Spokane, Washington	114	516	Johnson	1975
2245	Concord, New Hampshire	112	512	Fournier	
2046	Little Rock, Arkansas	110	515	Wright	1974
2067	Toledo, Ohio	108	511	Osten	1974
2101	Peoria, Illinois	102	504	Brown	1974
2085	Aberdeen, South Dakota	101	509	Hathaway	1976
2020	Columbia, South Carolina	99	506	Cunningham, Jr.	1976
2113	Shreveport, Louisiana	92	515	Scott	
2181	Rochester, New York	89	507	Donahue	1974
2148	Washington, D.C.	88	501	Clark	1974
2179	Saginaw, Michigan	88	511	Fales	
	Portland, Maine	85	512	Heskett	

**Appendix A — Proposal for Reorganization
attached to Head Affidavit.**

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELIG YEAR</u>
2214	Orlando, Florida	84	510 (147)	Elliott	1975
2095	Florence, South Carolina	82	506	Lee	
2186	Yonkers, New York	81	507	McClery	1974
2212	Macon, Georgia	78	510	Freeman	1974
2016	Omaha, Nebraska	77	503	Munch	1976
2119	Boston, Massachusetts	77	512	Minigan	
2156	Phoenix, Arizona	77	514	Newt	1976
2269	Norfolk, Virginia	76	506	Walker	1974
2205	Dayton, Ohio	76	511	Manning	1975
2088	Jackson, Mississippi	75	510	Ponder	1974
2079	Asheville, North Carolina	75	506	Caldwell, Jr.	
2217	Binghamton, New York	75	507		1974
2149	Raleigh, North Carolina	74	506	Carter, Jr.	1974
2143	Knoxville, Tennessee	72	510	Mikels	1975
2194	Akron, Ohio	71	511	Shelkofsky	1974
2038	Chattanooga, Tennessee	71	510	Tate	1975
2127	Grand Rapids, Michigan	68	511	Denton	1976
2262	Parkersburg, West Virginia	65	501	Lamp	1976
2191	St. Petersburg, Florida	64	510	Cole, Jr.	1976
2178	Utica, New York	63	507	Verkler, Jr.	1975
2221	Charleston, West Virginia	63	506	Sweeney	1975
2027	Greenville, South Carolina	62	506	Gaines	1975
2108	Worcester, Massachusetts	62	512 (147)	Rourke	1974
2161	Tampa, Florida	60	510	Cawthon	1975
2015	Trenton, New Jersey	58	501	Szeker	1975
2111	South Bend, Indiana	56	511	Brugh	1974
2110	Albany, New York	55	507	Stroud	1975

25
Appendix A — Proposal for Reorganization
attached to Head Affidavit.

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELEC YEAR</u>
2098	Lexington, Kentucky	54	510	Eldridge	1975
2259	Reading, Pennsylvania	53	501	Kosmetl	1974
2019	Fort Wayne, Indiana	47	511	Williams	1976
2207	Tulsa, Oklahoma	47	505	Cockrell	1976
2209	Allentown, Pennsylvania	47	507	Schlosser	1976
2056	Evansville, Indiana	46	511	Owens	1976
2211	Youngstown, Ohio	42	511	Jenyk	1975
2115	Springfield, Illinois	40	511	Long	1976
2007	Sacramento, California	40	508	Butcher	1974
2023	Scranton, Pennsylvania	38	507	Monahan	1974
2177	Erie, Pennsylvania	37	507	Genfetelli	1975
2123	Kalamazoo, Michigan	36	511	Gould	1975
2276	Salamanca, New York	35	507	Warner	1975
2197	Wilkes Barre, Pennsylvania	30	507	Rowlands	
2159	Cumberland, Maryland	29	501	Ferro	
2198	Fresno, California	29	508	Hicks	1974
2073	Cedar Rapids, Iowa	29	503	Walton	1976
2268	Savannah, Georgia	29	510	Kessler	1976
2193	Columbus, Georgia	29	510	Rowland	1975
2111	Augusta, Georgia	29	510	Crawford	1975
2182	Kingston, New York	27	507	Jones	1976

19 lodges are below fifty members; 54 are below 100 members; 70 are below 150 members.

To the best of our information, there are six full-time local lodge officers in the Division, and one full-time combination local lodge and District Board officer. Our local lodges generally are unable to function as effectively as our local lodge officers and members would desire. The major cause of this

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

is, of course, money. And the major cause for the lack of money is the decrease in membership. Given this situation, we see many negative features increasingly apparent.

1. Many local lodges either have difficulty or cannot fill the officer positions;
2. The resources of many local lodges are split up among many officers, providing very little remuneration for any one officer;
3. Many local lodges cannot afford to even have the Local Chairman check-off from work in order to handle grievances or discipline cases;
4. Attendance at local lodge meetings is at an historic low.

Under our present structure, we require monthly meetings of our lodges and we require a full complement of officers to carry out the business of the lodge. When you look at this structure in the cold reality of today's membership levels, it is clear that it is a luxury our members cannot afford, and a luxury which does not really produce direct benefits for the member. Thus, each lodge has a President, Financial Secretary-Treasurer, Legislative Representative, three man Board of Trustees, and a Protective Committee composed of a Chairman and at least two members. That is the constitutional minimum under our present structure. The members interest in his union is in grievance handling and contract negotiations. Realistically, then, any local lodge function which is not directly related to these areas exists for the benefit of the union structure rather than for the benefit of the members primary interest. Such functions are self-serving rather than membership serving. In plain and simple English, that means that a majority of our local lodge officers under our present structure are filling offices which serve the administrative needs of the union as an institution, rather than the needs of the member in handling grievances and contracts. Of course, such administrative needs must be met in all organizations. The problem is that we are meeting them with a structure which is totally

**Appendix A — Proposal for Reorganization
attached to Head Affidavit.**

unrealistic, and we are dissipating our resources to a point where we are no longer able to meet the direct membership needs without tremendous human sacrifice.

C. International Vice President - Express.

Under our present Express structure the role of the International Vice President, Express, is not clearly integrated into an Express Division structure. Thus, while he is the Chief Negotiator for the Division, his authority in the area of District Negotiations is not spelled out and has varied significantly over the years. His office structure is not adequate for the work involved. His role in grievance handling is more in the nature of review. He is expected to function as the major executive officer in the Division, yet, such responsibilities are generally implied rather than specific. Given a structure of 15 District Boards and 120 local lodges, he is simply physically unable to "cover the territory." This is inevitably interpreted by disgruntled members as a lack of responsiveness, when, in fact, it is actually the function of a system which was developed for the railroad industry imposed on the Express industry, and then stretched beyond any possible working arrangement. The need for a close relationship between the office of International Vice President-Express, and the day to day functioning of the Division as a whole in terms of representation, grievance handling, and negotiations is clear and obvious and must be properly taken care of.

D. Conclusion - Part I.

We could go on with this list of problems, but the picture is clear. As a result of management policies which brought a severe decline in business, and a subsequent massive decline in membership, we now have an Express Division structure stretched beyond its available resources, with underpaid officers, with financial strains impairing the ability of these officers to service our membership. There are no easy solutions to these problems, but it is apparent that we must take steps to change the situation.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

II. The Union as a Whole

While the Express situation is significantly different from that which exists in the railroad industry, there are some common patterns. There, too, we have suffered from a major decrease in membership. There, too, we have suffered from Carrier reorganizations and mergers. We have responded to this by carrying out a program of major reorganization and system board mergers.

In 1971 we had,

72 Railroad System Boards in the United States, and

73 Railroad System Divisions in the United States (Telegraphers)

for a total of 145 system level subordinate units.

As of March, 1974, we have,

38 Railroad System Boards in the United States, and

2 Railroad System Divisions

for a total of 40 system level subordinate units.

Thus, while it is generally assumed that the major reduction in System level subordinate units came in the elimination of TC System Divisions, the statistics clearly show that the reorganization of Railroad Clerical System Boards was just as significant.

This reorganization has almost totally followed a pattern of carrier ownership. The Grand Lodge has followed a policy of putting commonly owned properties under one Board. This is producing large, financially stable system boards with a high level of full-time representation. In spite of all these changes and consolidations, the actual number of full-time System Board officers and staff has increased - rather than decreased. This increase is being financed by the savings due to restructure

The situation in the Express, of course, is not quite that simple. We already have one property. We already have one contract. Thus, if we were to follow the merger approach of the railroads, we would end up with perhaps 1, 2, or 3 District Board .

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

11. WE USED A BASE OF 2,000 MEMBERS AS A BASIS FOR OUR PROPOSAL. If we used a base of 2,000 members, we could have 4 boards. But for how long? What kind of service could they provide with one man? If we used a base of 3,000, we could have 6 or 7 boards. But, again, would we be significantly improving service to our members, or merely establishing a "holding pattern"?

Thus, the railroad merger pattern is unsuitable for the Express Division. We must develop our own structure which meets our needs as Expressmen.

The goals are clear:

1. Improve service to our members;
2. Solidify our strength;
3. Maintain the elective process;
4. Maintain some type of regional representation;
5. Increase clerical support help;
6. Consolidate our strengths;
7. Solidify full-time representation;
8. Protect existing officers equities;
9. Eliminate jurisdictional problems.

The following proposal is designed to accomplish these objectives. It is a structure which would be unique to the Express Division. It is a structure which is designed specifically for the Express Division, unlike the railroad structure or pattern. It is a structure which draws on our experiences, and also on the experiences of other unions. It makes use of the new flexibility we have been afforded by Convention action through the Structure Committee, and adapts what we feel are best features of the variety of BRAC structures available to us -- System Board; System Division; Terminal Board; Local Lodge; Local Districts; and so on -- and focuses them on meeting the needs of our Express members.

We believe this structure will more effectively utilize our resources, improve our ability to service our membership, and maintain our integrity as a Division of BRAC, separate and different from its many other groups.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

11. Various BRAC Structures

BRAC actually has a wide variety of structures. Essentially, they fall into the following categories:

A. District Boards/Local Lodges. This is the familiar Express structure, where one contract with one employer is administered by 15 regional District Boards, each with local lodges under their jurisdiction.

B. System Board/Local Lodges. This used to be the most common railroad structure. The union structure is usually organized around one company, with local lodges under the jurisdiction of the System Board.

C. Multi-employer System Board/Local Lodges. This is now the most common ^{are} structure in the union. Here, members working for a variety of employers/grouped together in local lodges under the jurisdiction of one system board.

D. Terminal Board/Several Local Lodges. The larger Terminal Railroad Boards have this type of structure. There would usually be 2-3 local lodges, all in one major city or metropolitan area, grouped under one terminal board.

E. Terminal Board/Single Lodge. On smaller Terminal Railroads, we had a structure where there would be one Local Lodge and a Terminal Board. The Local Chairman would also serve as the General Chairman. Separate treasuries were maintained, but the separation of functions between the two units was usually quite fuzzy. These Boards are now almost non-existent.

F. Allied Services/Local Lodges. The Allied Services Division functions as a multi-employer System Board, with lodges having multi-employer membership. Additional lodges are grouped within the Division according to broad areas of interest or common employers -- i.e., Patrolmen's Section; Taxi and Transit Section and so on.

G. Canadian Division. Our Canadian Division has a variety of system level structures (Terminal, System Board) and then also has a national Canadian Structure which operates on top of that level as a intermediate level between the system level structures and the national level.

**Appendix A — Proposal for Reorganization
attached to Head Affidavit.**

II. Joint Lodge Complicating all of this is the fact that we have joint lodges, where local membership is frequently drawn from a variety of Boards, Employers, and so on. As lodges shrink in size, many system or district level subordinate units have allowed members to hold membership in a lodge which has its predominate membership under a different Board, different contract, and different employer. In theory, this was to give the member an opportunity to have local representation. In practice, it has frequently resulted in simply a place to pay his dues without having any officer on the local level familiar with his problems.

I. System Divisions. This is the structure which existed in the Transportation Communications Employees Union prior to its merger with BRAC. As a result of that merger, these units became TC System Divisions of BRAC. Since virtually all of these units paralleled Clerical System Boards in the United States, most of them voluntarily merged into the System Boards. However, several remain in the United States, and there are several in Canada which will always remain in effect since they do not parallel System Boards.

As a result of Structure Committee action and approval by the Executive Council the TC Division as such has ceased to exist, subject to final approval by the 1975 Convention. However, in recognition of the value of this type of subordinate unit structure, the Committee and Council actions maintained this structure as a part of BRAC. Thus, instead of being TC System Divisions these units are now BRAC System Divisions, just as there are BRAC System Boards; BRAC District Boards; BRAC Terminal Boards, and so on. The By-Laws of the TC Division are now inoperative except those portions which deal with the government of System Divisions. These now become the equivalent of the Protective Laws of the Brotherhood, which deal with the government of System Boards, District Boards, and Terminal Boards. Several Railroad System Boards are currently considering restructuring themselves into System Divisions in the belief that this will provide a more effective method of representing our members.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

The proposal for a new Express Division draws heavily on the System Division concept. Therefore, before we get to the proposal itself, let's look at what a basic System Division structure entails.

First, there are no local lodges. Instead, the property is divided into Districts, which usually have at least 150 members. These become the basic lowest level of representation. The members in each District elect a District Chairman every four years. This is possible under the Landrum-Griffin Act because a District is not a local as defined in the Act. Collectively, the District Chairmen form the System Division. They elect the System Division officers (again, four year terms of office). Since the merger, the members in each District are entitled to elect a Local Legislative Representative. This, however, is based on property and States. Usually, this Legislative Representative is also the District Chairman.

All finances, except the Grand Lodge, are handled by the System Division. Thus, the traditional Local Lodge and System or District Board per capita tax is combined in one place. System Division officers are usually full-time. District Chairmen are usually part-time, and their salaries are set by the System Division or the System Division executive committee.

The System Division sets the jurisdiction for each District. The number and jurisdiction of the Districts is changed from time to time at System Division meetings to reflect the changes in membership size and location. Districts are sometimes geographical, sometimes job or work location related. Thus, there could be a District based on a company's superintendent's territory, and another District Grouping, for example, Towerman. Expenses and salaries of District Chairmen are paid by the System Division.

In the System Division structure, Convention delegates are elected on an at-large basis, one for the first 225 members, and one more for each additional 150 members. Thus, the formula provides the membership with the maximum number of delegates based on the membership count.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

Obviously, this structure has many advantages. It centralizes financial resources. It has a built in method of adjusting the units to reflect changes in membership. Local officers are devoted entirely to handling matters of grievances and contracts, rather than administrative duties.

At the same time, standing alone, the System Division structure would not fit the needs of the Express Division. It needs adjustment and modification. That is what our proposal does.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

IV. Proposal for an Express Division of BRAC

Essentially, we propose to completely phase out the District Board/Local Lodge Structure and replace it with a new structure which is based on the System Division concept adapted to the needs of the Express. This means that there would be a unified, nation-wide Express structure. It means that the primary emphasis of the structure would be on serving the membership in the areas ^{of} representation, grievance handling, and contract enforcement and negotiations, rather than on a large number of administrative offices.

The fundamental principles which we have followed are very simple:

- * Improve representation by concentrating efforts and resources;
- * Establish a flexibility in structure;
- * Make sure that the equity interests of all those members who have served as officers on a local lodge and District Board and Grand Lodge level are properly taken care of.

We propose to implement this restructuring as follows:

1. Merge all existing District Boards of Adjustment into a new Express Division, effective July 1, 1974.
2. The Officers of the Express Division shall be:

2.1 Full-Time

<u>TITLE</u>	<u>SALARY</u>	<u>PAID BY</u>
International Vice President and President, Express Division	\$37,000	Grand Lodge
Secretary-Treasurer, Express Division	30,000	Division
Vice President, Express Division, Eastern States Region	28,000	Division
Vice President, Express Division, Central States Region	28,000	Division
Vice President, Express Division, Southeastern States Region	28,000	Division
Vice President, Express Division, Midwestern States Region	28,000	Division

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

<u>TITLE</u>	<u>SALARY</u>	<u>PAID BY</u>
Vice President, Express Division, Southwestern States Region	\$28,000	Division
Vice President, Express Division, Western States Region	28,000	Division

The six Regional Vice Presidents and the Secretary-Treasurer shall be elected by the District Chairmen in the Division as a whole. The President of the Division shall be International Vice President-Express, elected by the BRAC Convention. These officers shall form the Executive Committee of the Division and also function as the Division Negotiating Committee. They shall have all powers of office as established in the Protective Laws of BRAC as outlined in Section 2, Article 5.

2.2 Part-Time Officers

2.21 Division Board of Trustees. There shall be a Division Board of Trustees, composed of a Chairman and two members, elected by the members of the Division.

2.22 Division Appeals Committee. There shall be a Division Appeals Committee composed of a Chairman and two members, elected by the members of the Division.

3. There shall be the following appointive positions:

One (1) Assistant to the President, Express Division, to be appointed by the Division President, at a salary of \$23,500 per year and a Secretary to the Division President at a salary of \$14,000 per year subject to the approval of the International President and paid by the Grand Lodge. The present Grand Lodge Organizers coming from the Express, Brothers Cusumano and Leonidas will be assigned to the International Vice President's office and paid by the Grand Lodge.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

Area Representatives and clerical help as needed will be appointed and assigned by the Division President subject to the approval of the Executive Committee and paid by the Division.

4.0 LOCAL LEVEL OFFICERS

4.1 DISTRICT CHAIRMEN - Convention Delegate. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the present jurisdiction of local lodges and then establish Districts based on a nation-wide structure. The Executive Committee shall then designate one of the present Local Chairmen/^{or other Local Lodge officer} from a lodge within the new District to serve as District Chairman for the new District, with salary and expenses set initially by the Executive Committee. These District Chairmen shall become the members of the Express Division.

They shall be subject to election by the members in the District in December, 1976, to a four year term of office.

4.2 LEGISLATIVE REPRESENTATIVE. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the jurisdiction of the new Districts and designate one of the present Legislative Representatives/^{or other Local Lodge officer} from lodges within the District to serve as Legislative Representative for each State in which the District has ten or more members. Salary and expenses for such Legislative Representatives not otherwise defrayed shall be borne by the Division. These Legislative Representatives shall be subject to election in December, 1976 to a four year term of office.

4.3 CONVENTION REPRESENTATION - 1975.

4.31 Districts with 150 or more members shall elect a Convention delegate in December, 1974. He shall have a weighted vote in accordance with Grand Lodge formulae.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

- 4.32 Districts with less than 150 members shall be pooled and shall elect the number of delegates-at-large to which this total number of members entitle them under the Grand Lodge formulae, with each delegate so elected having one vote.

4.4 CONVENTION REPRESENTATION AFTER 1975.

- 4.41 Districts with 150 or more members. The office of District Chairman and Convention Delegate is combined. Thus, in December, 1976, and each four years thereafter, whoever is elected District Chairman-Convention Delegate shall serve as Convention Delegate at the next convention, providing qualifications are met, including having 150 or more members in the September preceding the convention year. The Delegate shall have a weighted vote.

- 4.42 Districts with less than 150 members. The office of District Chairman-Convention Delegate nominee shall be combined into one office. Thus, in December, 1976, whoever is elected District Chairmen-Convention Delegate nominees from such Districts shall then have their names placed on an at-large ballot and the members in that pool of Districts shall elect at-large delegates from that group. Each delegate shall have one vote. These at-large elections shall be conducted in December of the year preceding the Convention.

5. As soon as possible all District Boards and Local Lodges shall be eliminated, and their assets consolidated into the Express Division treasury. In the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to April 1, 1974.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

6. After the new Districts are established, all local lodge officers not designated as District Chairmen shall be afforded, at their choice, one of the following two options:

6.1 Continuation on the Division payroll at their present local lodge rate of pay for the balance of their local lodge term of office; or

6.2 A lump-sum separation allowance of twelve times their present local lodge monthly rate of pay provided their term of office has 12 or more months remaining.

If appointed or elected to any other office in the union during the period involved, or the period of the options, the salary established for the office to which appointed or elected shall be in lieu of the amounts set forth in the above options.

7. Present local lodge officers designated as District Chairmen under the new structure will be guaranteed as a minimum their present local lodge salary on an incumbency basis through their new term of office.

8. The Division shall meet every other year, in odd-numbered years. In years of the Grand Lodge Convention, the Division meeting shall take place in the Convention City in the week immediately following the Convention.

9. The Division President shall conduct Educational Conferences for local officers of the Division in each Region in the even-numbered years.

10. Election of officers shall be conducted at the meetings held during Convention years, for four year terms.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

V. TRANSITION PROGRAM

To move from our present Express Structure to the new Express Division Structure will be a difficult and complicated process. There will have to be a number of temporary measures taken which, in effect, constitute an organizing type effort. The basic principles which we must follow in this transition are really very clear and direct:

- * We must thoroughly protect the interests of our members in the transition so that their claims, grievances, and contracts are not impaired;
- * We must select highly capable local level officers (District Chairmen and Legislative Representatives) to serve during the temporary period so that we seek to improve representation;
- * We must make sure that no full time officer is hurt;
- * We must make sure that all local lodge officers are properly rewarded for the many years of service they have given;
- * We must make sure that the Division Officers who operate during the temporary period get out to our members and protect our members to the best of their ability;
- * We must bring about greater communication with our members through more frequent member/officer contact.
- * We must coordinate the efforts of all officers and appointive personnel so that we work in common directions.

We shall take the following steps to carry this out:

1.0 ADOPTION

The National Association of Express General Chairmen shall be convened in session by the International Vice President, Express. Upon approval of a majority of the General Chairmen, and subject to the approval of the International President, this reorganization shall go into effect July 1, 1974. Division by-laws shall also be re-

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

porarily adopted at said meeting, subject to approval of the International President and further ratification at the next regular Division Meeting.

2.0 BY-LAWS

Temporary Division By-Laws shall be adopted by majority vote of the General Chairmen, subject to the approval of the International President. The President of the Division, in addition to his duties as International Vice President, shall also exercise the duties, powers and obligation established for General Chairmen as outlined in the Protective Laws that are not inconsistent with his duties, powers and obligations under the Division By-Laws.

3.0

Since this proposal does involve suggested Constitutional changes it shall be submitted to the Structure Committee for temporary operating authority and then to the Executive Council.

4.0 FULL-TIME OFFICERS

In order to bring about an orderly and effective transition, the following present officers shall hold the following new positions until the regular election in 1975:

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
International Vice President & President, Express Division	<u>R. J. Devlin</u>	\$37,000
Secretary-Treasurer, Express Div.	<u>G. E. Stephenson</u>	30,000
Vice President-Eastern States	<u>S. E. Milone</u>	28,000
Vice President-Central States	<u>Eddie Harshman</u>	28,000
Vice President-Southeastern States	<u>W. A. Johnson</u>	28,000
Vice President-Midwestern States	<u>H. P. Simonis</u>	28,000
Vice President, Southern States	<u>J. J. Witmeyer, Jr.</u>	28,000
Vice President-Western States	<u>F. V. McCormick</u>	28,000

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

5.0 STAFF

~~The following people shall serve as staff members of the Express Division:~~

5.1 GRAND LODGE STAFF

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Assistant to the Division President	A. A. Rullo	\$23,500
Secretary to the Division President	M. M. Monaghan	14,000
Grand Lodge Representative	P. Cusumano	19,500
Grand Lodge Representative	G. Leonidas	15,000

5.2 DIVISION STAFF

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Area Representatives (as needed)		
Area Representative	T. Timmins	\$19,000
Area Representative	C. Rice	19,000
Area Representative	W. Head	19,000
Area Representative	G. Lozar	19,000
Area Representative	G. Kinning	8,000
Area Representative	W. Wilkinson	8,000
Area Representative	W. Eissler	8,000
Area Representative	M. Myrick	8,000
Area Representative	F. J. Hanrahan	18,000
Area Representative	B. J. Smith	18,000
Secretaries and Clerks (as needed)		
Secretary	R. Otskey	(Temporarily-present salary Future-to be established)
Secretary	L. Johnson	" "
Secretary	P. Barnes	" "
Secretary	R. Brogan	" "
Secretary	M. Carew	" "

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

6.0

All full and part-time District Board Officers who are not designated a position, or who do not choose to accept such position, shall be given a 12 month lump sum separation allowance at their present rate of pay provided their term of office has 12 or more months remaining, or continuation on the Division payroll at their present rate of pay for the balance of their term of office.

7.0 The following officers shall be members of the following Committees until new officers are elected at the 1975 Division Meeting:

1 Division Board of Trustees

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Chairman	B. J. Smith	
Member	W. Eissler	
Member	W. Head	

7.2 Division Appeals Committee

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Chairman	J. J. Witmeyer	
Member	W. A. Johnson	
Member	F. V. McCormick	

8.0 AREA REPRESENTATIVE POSITIONS.

If an Area Representative position becomes vacant for any reason the Executive Committee shall have the right to fill it, in the manner described, or to eliminate the position.

9.0 ELECTIONS.

9.1 International Vice President-Express (President, Express Division) and Member, Board of Trustees, Express, to be elected at the BRAC Conventions in the usual manner.

9.2 Express Division Secretary-Treasurer, Appeals Committee Board of Trustees, to be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen for a four year term.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

- 9.3 Six Regional Vice Presidents, to be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen, for a four year term.
- 9.4 District Chairmen. Elected by members in District for a four year term. Next election scheduled for December, 1976. The District Chairman will run as District Chairman/Convention Delegate.
- 9.5 Legislative Representatives. Elected by members in District. Next election scheduled for December, 1976. In the interim the Executive Committee will designate one of the present Local Lodge Legislative Representatives to serve as the District Legislative Representative(s).

10.0 GRIEVANCE HANDLING AND NEGOTIATIONS.

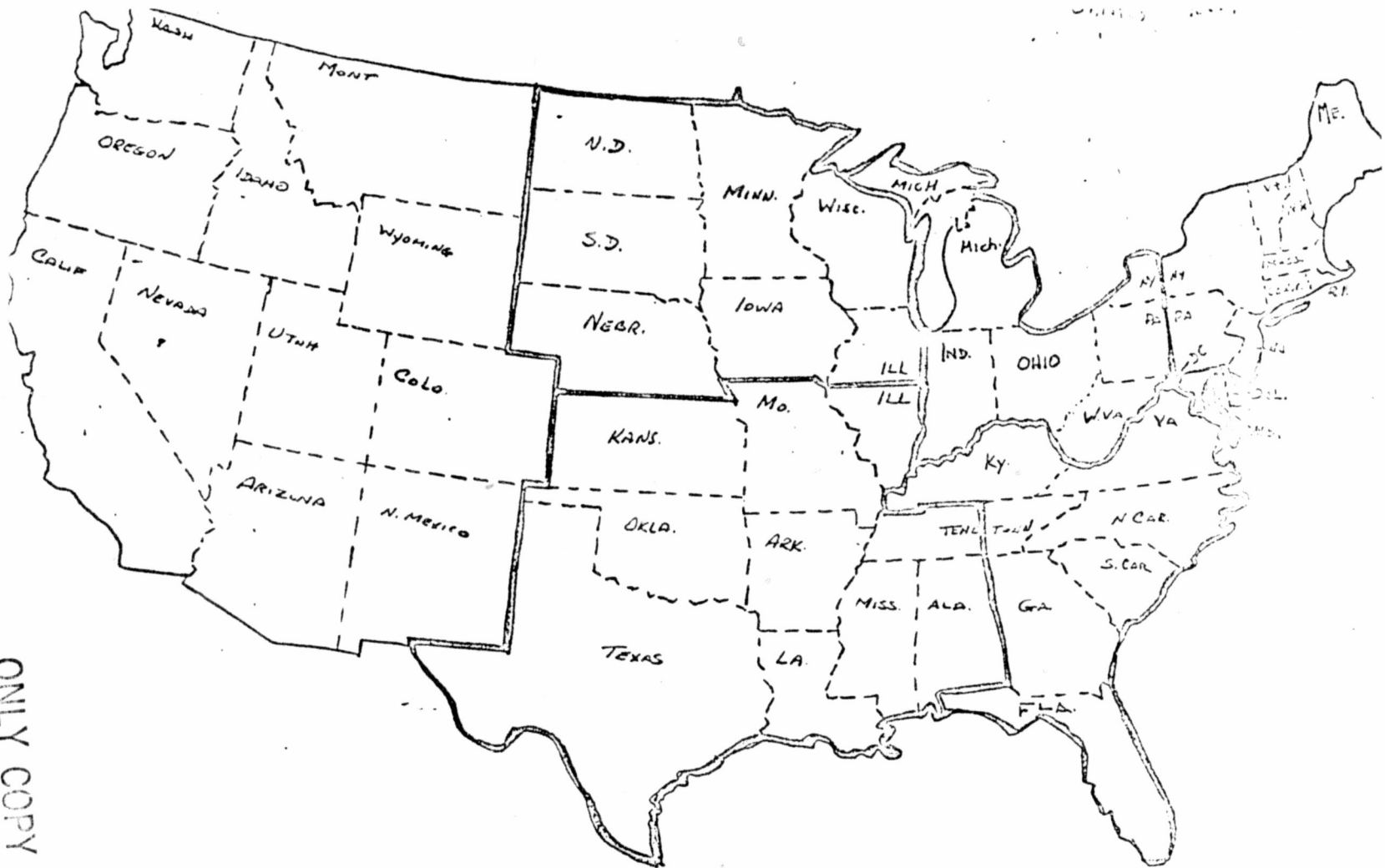
Claims and grievances in the Express Division shall be filed by the District Local Chairmen or, in some instances, by the District Representative. The first appeal will be handled by the District Representative or, in some instances, by the Regional Vice President. The final appeal will be handled by the Regional Vice President or his designee and then to the International Vice President for submission to arbitration. Negotiations for changes in the agreement, implementing agreements, local agreements, etc., shall be supervised by the International Vice President and the Negotiating Committee, with specific assignments given to the Regional Vice Presidents and District Representatives. All National Agreements shall be subject to ratification by the members.

11.0 FUNDS AND ASSETS.

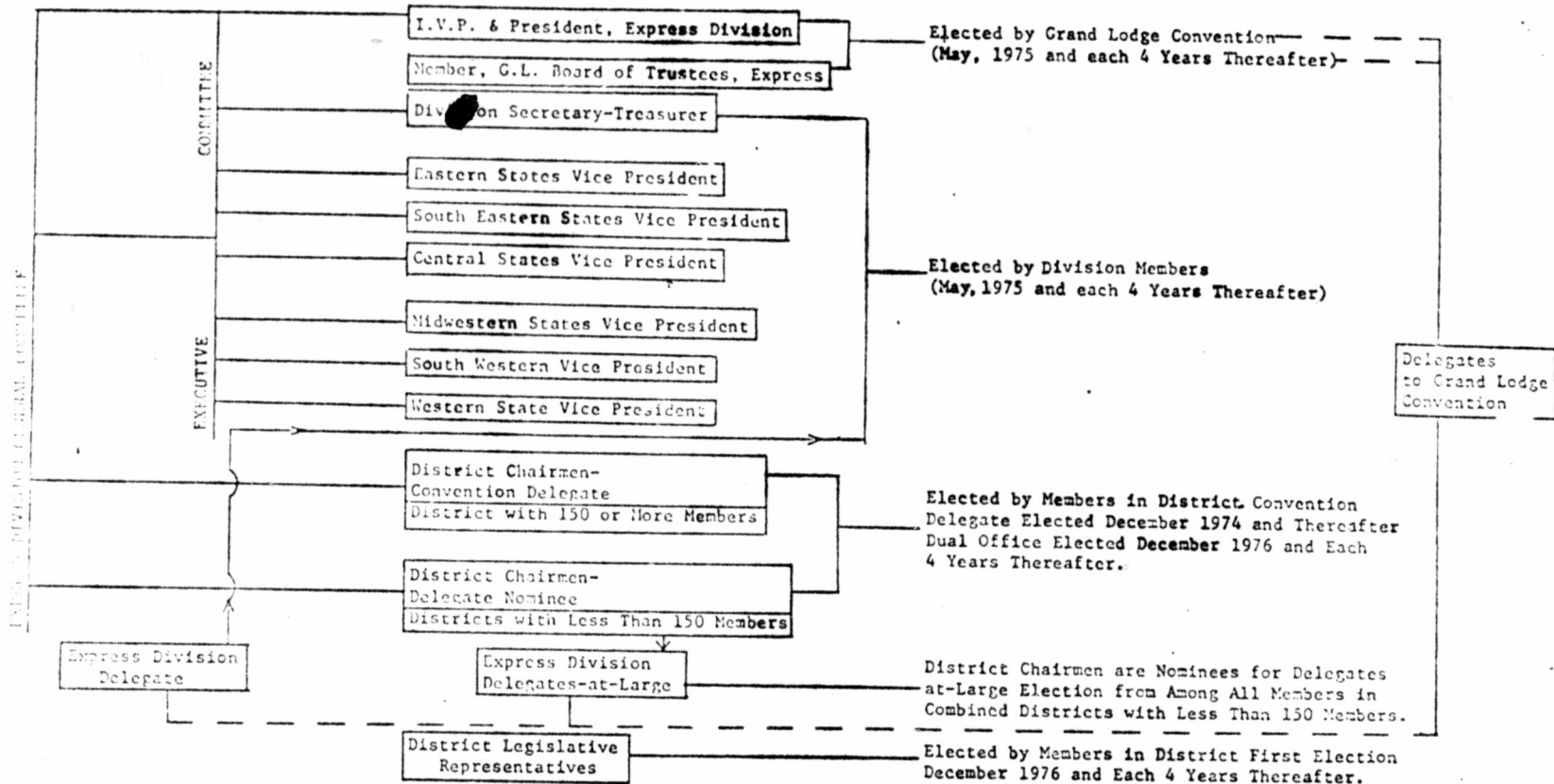
- 11.1 District Board funds and assets shall be consolidated into the Express Division within the month of July, 1974.

Appendix A — Proposal for Reorganization
attached to Head Affidavit.

- 11.2 Local Lodge funds and assets shall be consolidated into the Express Division within the months of July, August, and September, 1974.
 - 11.3 During the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to *Grand* July 1, 1974.
- 12.0 CHARTS
- 12.1 Chart 12.1 shows the regional jurisdiction of the Division Vice Presidents.
 - 12.2 Chart 12.2 shows the officers of the Division and method of election.



ONLY COPY AVAILABLE



Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

APPENDIX "B"

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

EMPIRE DISTRICT BOARD OF ADJUSTMENT
W. J. HEAD, GENERAL CHAIRMAN
P. O. Box 40, Lackawanna, New York 14218

June 4, 1974

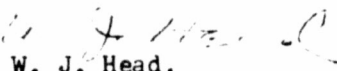
Mr. W. C. Y. McGregor, Chairman
Structure Committee

Mr. D. A. Bobo
Mr. J. R. Borrelli
Mr. E. M. Broom
Mr. J. C. Campbell
Mr. C. S. Coleman
Mr. O. Derderian
Mr. R. J. Devlin
Mr. T. J. Diehl
Mr. T. E. Dyck
Mr. T. Fitzgibbon
Mr. T. B. Goodwin
Mr. W. E. Granlund
Mr. G. Jackson
Mr. F. J. Kroll
Mr. L. E. Maloof
Mr. J. Reese
Mr. E. J. Reynolds
Mr. E. E. Thoms
Mr. B. K. Whitehead

Dear Sirs and Brothers:

I attach my objections to the proposal to restructure
the REA Division of BRAC.

Sincerely and fraternally,


W. J. Head,
General Chairman

WJH:fep

CC: Mr. C. L. Dennis,
International President

ONLY COPY AVAILABLE

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

EMPIRE DISTRICT BOARD OF ADJUSTMENT
W. J. HEAD, GENERAL CHAIRMAN
P. O. Box 40, Lackawanna, New York 14218

June 4, 1974

The proposal to restructure the REA Division is not legal because:

1. IT DOES NOT CONFORM TO THE PROVISIONS OF RESOLUTION 201 WHICH ESTABLISHED THE STRUCTURE COMMITTEE.
2. IT IS INHARMONIOUS WITH THE PREAMBLE OF THE CONSTITUTION OF THE GRAND LODGE.
3. IT VIOLATES MANY PROVISIONS OF THE CONSTITUTION OF THE GRAND LODGE, THE STATUTES FOR THE GOVERNMENT OF LODGES, AND THE PROTECTIVE LAWS OF OUR BROTHERHOOD.
4. IT MAY BE CRIMINAL; AT THE VERY LEAST IT IS UNDEMOCRATIC.

Reorganization attached to Head Affidavit.

ITEM 1 (a) IT DOES NOT OBTAIN TO THE PROVISIONS OF RESOLUTION 201 WHICH ESTABLISHED THE STRUCTURE COMMITTEE.

For convenience, I reproduce part of Resolution 201, with my under scoring added:

"...Therefore, be it further resolved, That such Committee on Structure be authorized by Convention Action to recommend to the Executive Council, on a temporary experimental basis, structural changes in subordinate units of the BRAC, which can only be effected if the involved units accept these changes..."

Most of the involved units are not cognizant of the fact that a proposal has been prepared!!!

The proposal for Reorganization of the Express Division BRAC, as presented to fourteen General Chairmen on May 27, 1974, lists 120 local lodges. These lodges are subordinate units and no one was requested to participate in the decision.

ITEM 1 (b) The General Chairmen who participated represented their respective System Boards only. However, three General Chairmen, including the undersigned, voted against the proposal. A fourth was absent.

The fact that the three voted against, and another did not participate, automatically negated the proposal. Resolution 201 reads in part (again for emphasis) "...which can only be effected if the involved units accept these changes..."

ONLY COPY AVAILABLE

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

ITEM 2. IT IS INHARMONIOUS WITH THE PREAMBLE OF THE
CONSTITUTION OF THE GRAND LODGE.

For your convenience, I quote our Preamble and I under-
score for significance.

Unity, guided by intelligence, is a bulwark of strength
against a world of attacks. Without intelligent organ-
ization we cannot acquire the discipline which enables us
to stand together, concentrate our strength and direct our
efforts toward a common purpose.

Therefore, for the purpose of promoting such unity of
action, for our mutual protection and to advance the general
welfare of our craft, the organization known as the Brother-
hood of Railway, Airline and Steamship Clerks, Freight
Handlers, Express and Station Employees has been established.

The Grand Lodge, possessing original and exclusive jurisd-
iction, is the source of all true and lawful authority and
is the legislative and judicial head of the Brotherhood. It
is vested with full power and authority to enforce upon its
membership a strict adherence to the laws and regulations
as stipulated herein, and which are hereby declared to be
the Constitution of the Grand Lodge, Statutes for the
Goverment of Lodges, Protective Laws and T. C. Division
By-Laws of the Brotherhood of Railway, Airline and Steamship
Clerks, Freight Handlers, Express and Station Employees.

A magnificent honorable statement!!!

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

Unity implies agreement and consent.

The proposal to change the structure of the Division has neither. One-hundred-twenty local lodges have not been consulted and four System Board Chairmen have not approved this action on behalf of their members.

I repeat - unity implies agreement and consent.

On Tuesday, May 28, 1974, at approximately 3:30 P.M. the proposal was presented to the fourteen General Chairmen.

It was read and discussed for approximately two hours.

On Wednesday, May 29, it was discussed for approximately three hours.

The General Chairmen decided on behalf of their Boards.

But, they did not have the legal and the moral right to do so.

The General Chairmen did not have sufficient time to consult the other dedicated officers of their boards.

Why not? What is the hurry after so long a period of procrastination?

When the proposal was presented to the General Chairmen at approximately 3:30 P.M. on May 28, 1974, it was taken off the Secret and Confidential List.

Secrecy is necessary for negotiations both in a Republic and a Brotherhood; but, if its' use is abused, as in the case before us, the Paul Reveres' must be available to again light the fires for freedom.

This Union does not need nor desire any officers who would violate his obligations by moralizing in lieu of consulting his members regarding important matters such as this.

"In unity there is strength;" in unnecessary secrecy there is weakness.

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--5--

ITEM 3. IT VIOLATES MANY PROVISIONS OF THE CONSTITUTION
OF THE GRAND LODGE, THE STATUTES FOR THE GOVERNMENT OF LODGES AND
THE PROTECTIVE LAWS OF OUR BROTHERHOOD.

Specifically:

Article 5 of our Constitution reads in part:

"...Section 2 (a). It is the obligation and responsibility of every officer, subordinate unit and member to comply with the Constitution, Statutes for the Government of Lodges, Protective Laws and T.C.Division By-Laws of this Brotherhood..."

As I expressed above, Resolution 201 of the 1971 Convention requires the concurrence of the subordinate units before structural changes can be effected on a temporary experimental basis. This requirement has not been met.

Article 5, Section 2 (a) applies not only to Brother Devlin and the Express Division General Chairmen, but also, as you know, to all - including us, the members of the Structure Committee.

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--6--

Article 9- Duties of Grand Lodge, Section 1 reads:

"...It shall establish lodges and subordinate units throughout the States, territories, provinces of the United States, Canada and Mexico." (Underscoring supplied.)

Article 13, International President's Duties and Prerogatives, Section 5 reads:

Approval of Charter of Lodges

"Section 5. He shall pass upon and approve or reject all applications for charters for the establishment of lodges and subordinate units when received from the International Secretary-Treasurer properly endorsed, and shall arrange for the institution of such lodges and subordinate units when the applications have been approved by him."

Article 1, Section 1 of the Statutes for the Government of Lodges reads:

CHARTERS

"Section 1. This lodge shall be known as
.....Lodge No.....Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, and cannot voluntarily surrender its charter or dissolve so long as twenty-five (25) members in good standing object thereto. A lodge charter may be retained by less than twenty-five (25) members when in the judgment of the International President circumstances warrant." (Underscoring supplied and emphasized.)

The sections referred to demonstrate how Lodges are established. We all know this, but I refer to them for a focal emphasis on the question, "How are Lodge Charters legally suspended?"

Appendix B -- Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--7--

Article 13, Failure to Comply with Laws, Section 9 (a)
reads:

"He is empowered to suspend the charters of lodges or subordinate units for any violation of the Constitution and laws of the Brotherhood. The sole basis for suspension of any lodge or subordinate unit charter shall be submitted to the lodge or subordinate unit in writing, expressly stating any and all of the Articles and Sections of the Constitution and law violated.

Section 2 of Article 1 reads:

Jurisdiction

Section 2. The International President shall define the jurisdiction of lodges in instances where there is a conflict in jurisdiction between the Protective Committees of Lodges or may require the consolidation of such lodges when he deems it to be in the best interests of the Brotherhood subject to appeal and review by the Executive Council." (Underscoring supplied and emphasized.)

Charters are legally suspended in accordance with the above. In the instant case, if twenty-five members of one local objected to this proposed confiscation, the entire dream would fade away. One-hundred twenty lodges have not been consulted.

Authority is not granted to confiscate and consolidate.

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--8--

Boards of Adjustment may be consolidated if the provisions of Section 20 of the Constitution are obeyed.

Section 20 reads:

Consolidations, Boards of Adjustment
and/or System Divisions

"Section 20. In instances where it is clearly apparent there are not sufficient members under the jurisdiction of any Board of Adjustment or System Division to assure adequate finances at a reasonable level of per capita tax rate to permit such Board of Adjustment or System Division to adequately and efficiently perform the services required of the Board or System Division under Article 1, Section 14 (a) of the Grand Lodge Protective Laws or the T.C.Division By-Laws; or the membership under its jurisdiction desires by referendum vote for any reason to consolidate with another Board of Adjustment or System Division and such other Board of Adjustment or System Division is not agreeable to such merger, the facts in connection therewith shall be referred to the International President who is hereby authorized to encourage voluntary consolidation of such Boards of Adjustment or System Division to the extent he may deem practicable, and in any such instance where the International President is unable to secure voluntary action to consolidate, authority is hereby granted to the International President to require such consolidations subject to appeal and review by the Executive Council." (Underscoring supplied and emphasized.)

All Subordinate units are subject to the provisions of Section 21 (a) and (b) of the Constitution.

Section 21 (a) and (b) read:

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--9--

SUBORDINATE UNITS
Failure to Function

"Section 21. (a) When any subordinate unit is not functioning to the best interest of the membership under the laws and regulations of the Brotherhood, the International President shall have authority to investigate, and, if results of investigation justify, he will recommend means for improvement to the officers of such subordinate unit."

"(b) Should the officers of a subordinate unit fail or decline to take steps necessary for such improvement, the International President has authority to order special meetings or circularize the membership, setting forth all facts to the membership under the jurisdiction of such subordinate unit and state the necessity for such action to correct such condition."

Article 1, Section 7 (a) of the Protective Laws reads in part:

System Committee-Boards of Adjustment

"Section 7.(a) System, District or Terminal Boards of Adjustment shall be formed to represent the employees employed by each employer, except Boards of Adjustment representing Express employees shall be formed for each territorial area as may be determined by the International President provided the jurisdiction of Express Boards of Adjustment now in existence shall not be changed without their consent, and shall be composed of the Chairmen of the Local Protective Committees representing the employees under the jurisdiction of the Board of Adjustment, subject to the provisions of the next succeeding paragraph of this subsection. The members of Boards of Adjustment shall serve except as provided below for the duration of their terms as Local

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--10--

Chairmen. Joint Boards of Adjustment representing employees of two (2) or more employers may be established, subject to approval of the International President." (Underscoring supplied and emphasized.)

Sections 20 and 21 (a) and (b) of the Constitution and Article 1, Section 7 (a) of the Protective Laws mandate that an attempt must be made to encourage voluntary consolidations and that Boards' jurisdiction shall not arbitrarily be changed.

Consent is required. It is lacking in the case before us.

Article 5 of the Protective Laws, titled National Associations, Section (e) reads:

"Such Association shall have authority to adopt for its government such by-laws as may be deemed advisable and not in conflict with the Constitution, Statutes for the Government of Lodges and Protective Laws of the Brotherhood, and subject to the approval of the International President."

The By-Laws adopted by the Express General Chairmen on May 29, 1974 are a nullity because they are based on the assumption that 120 Lodges and 15 System Boards will cease to exist on July 1, 1974.

The 120 Lodges and 15 System Boards will legally exist until such time as the provisions of our Laws are observed.

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--11--

ITEM 4. IT MAY BE CRIMINAL; AT THE VERY LEAST IT IS
UNDEMOCRATIC.

The criminal aspect of the problem has not been investigated. However, it appears to me that it is criminal.

It is undemocratic. One-hundred-twenty locals have not been allowed to participate. One System Board was not represented at the massacre.

I attach copies of communications which I have received from Local Lodge Officers regarding this matter. All request a voice in the decision.

Attachment #1 - Edward J. Walker, President Local 2004,
Los Angeles, California.

Attachment #2 - Charles D. Rose, Financial Secretary,
Local 2178, Utica, New York.

Attachment #3 - Michael J. Hettie, President, Local 2226,
Albany, New York.


Attachment #4 - Francis Filas, President, Local 2144,
Buffalo, New York.

Attachment #5 - Donald J. Malone, President, Local 2150,
West Paterson, New Jersey.

Attachment #6 - R. Olkosky, President, Local 2158,
Pittsburgh, Pennsylvania.

Because of the above, I vote an emphatic "NO" and I
urge each of you to also do so.

Sincerely and fraternally,


W. J. Head,
General Chairman

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

2-021273 E153 06/02/74

ICS IPMRNCZ CSP

2136551623 MGM TDRN LOS ANGELES

ZIP 14218



► WILLIAM J HEAD GENERAL CHAIRMAN
BROTHERHOOD OF RAILWAY AND AIRLINE CLERKS EMPIRE DISTRICT BOARD
OF ADJUSTMENT PO BOX 40
LACKAWANNA NY 14218

LOCAL 2004 DID NOT PARTICIPATE IN DECISION TO REVOKE ITS CHARTER.

WE REQUEST THAT STRUCTURE COMMITTEE DECLINE TO ACCEPT THE PROPOSAL
TO RESTRUCTURE THE EXPRESS DIVISION BECAUSE IT IS NOT IN ACCORDANCE
WITH RESOLUTION 201 ADOPTED BY 1971 MIAMI CONVENTION
EDWARD J WALKER PRESIDENT 426 SOUTH SPRING ST ROOM 503 LOS
ANGELES CA 90013

2337 EDT

MGMBUFA BUF

ONLY COPY TO BE USED

ATTACHMENT #1

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

Mohawk Lodge #2178
May 31, 1974

William J. Head Gen. Chrman
Board # 507 - Box 40
Lackawanna, N. Y. 14218

Dear Brother Head:

It has come to our attention that the Grand Lodge is proposing to do away with all the local lodges, to confiscate their local funds in their treasury, do away with all local officers and to literally dissolve all local lodge identification.

Please be advised that the membership of Lodge #2178 at Utica, N.Y. wants NO part of this plan as outlined above and is hereby instructing you to do all in your power to resist this arrogant power move in any way you can.

Please advise. Thank you.

Yours truly

(signed)
Charles D. Rose Fin. Sec.
Mohawk Lodge #2178 Utica, N.Y.

ATTACHMENT #2

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

Capital City Lodge No. 2226
349 Second Ave. Albany, N. Y. May 31, 1974

Mr. W.J. Head
General Chairman
Brotherhood of RR & Airline Clerks
P. O. Box 40
Lackawanna, N. Y. 14218

Dear Sir and Brother:

Albany Lodge BRAC # 2226 has been advised that
it is possible our Charter and Local Funds may be confiscated
in the near future.

If this be fact it certainly is without the con-
sent of our Local Members and no-doubt without the consent
of members of other Local Lodges.

This, it is understood is or will be brought about
by a proposed New Structural move within our organization.

I and the members of Local 2226 at Albany, N. Y.
urge you to do all in your power to see that such a move
will not be sanctioned.

Sincerely and fraternally,

(signed)
Michael J. Hettie
President
Local 2226
Albany, N. Y.

ATTACHMENT #3

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

Federated Express Lodge 2144
Buffalo, New York June 2, 1974

Mr. W. J. Head,
General Chairman
B.R.A.C.
P. O. Box 40
Lackawanna, New York 14218

Dear Sir and Brother:

We object to the proposed consolidation of System
Boards and the elimination of Local Lodges.

It is neither legal nor moral.

Please oppose vigorously.

Sincerely and fraternally,

(signed)
Francis Filas,
President
Local 2144
Buffalo, New York

ATTACHMENT #4

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

119 Grand Ave.
Ridgefield Pk. N. J.
07660

W. J. Head, General Chairman
P. O. Box 40
Lackawanna, N.Y. 14218

Dear Sir & Brother:

There are rumors circulating that in the very near future we will lose our charter & the Lodge will be dissolved due to reconstruction of the Brotherhood.

These drastic changes are unconstitutional & contrary to Amended Resolution #201 of the Constitution of the Grand Lodge.

I feel the members of each and every lodge should have a vote on all proposals and changes.

To do otherwise would be dictatorial and contrary to the Democratic process of our Union.

I, as President of Passaic Lodge #2150 speak for all my members and say that you must oppose any moves to change Locals and reconstruct our system boards unless it is done in a democratic way and that every member is afforded the right to vote on any changes.

Yours Fraternally,

(signed)
D. J. Malone,
President

ATTACHMENT # 5

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS
FREIGHT HANDLERS EXPRESS AND STATION EMPLOYES
AFFILIATED WITH AFL-CIO

PENN CENTRAL LODGE No. 2158

Express Division
PITTSBURGH, PENNSYLVANIA

May 31, 1974
2772 Bergman St
Pittsburgh, Pa. 15220

Mr. Wm. Head, Member Structure Committee
P O Box 40
Lackawanna, N. Y. 14218

Dear Sir and Brother;

We have knowledge of proposed changes relative to restructuring
whereas the tentative plan calls for wholesale discontinuance
of Local Lodges. This plan is totally unacceptable.

Consolidation of some System Boards as originally proposed by
I.V.P.R. Devlin was a sound and equitable proposal to solving
the problem at hand.

The action on the part of the majority of General Chairmen to
accept such a proposal is unbelievable, have they no moral
principles.

This action must be offered to the membership for approval, to do
otherwise would set Union sm back a hundred years.

Sincerely,



R. Olkosky, Pres.

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

BROTHERHOOD OF RAILWAY, AIR LINE AND STEAMSHIP CLERKS
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

ENTIRE DISTRICT BOARD OF ADJUSTMENT
W. J. HEAD, GENERAL CHAIRMAN
P. O. Box 40, Lackawanna, New York 14218

June 4, 1974

Re: RLA Division

ADDENDUM

The following sections of the Constitution must also be considered and evaluated:

ARTICLE 2, SECTION 1 OF THE CONSTITUTION
OF THE GRAND LODGE

"Section 1.

The sovereign body of the Brotherhood shall be called the Grand Lodge and will have absolute and exclusive jurisdiction over all matters pertaining to the Brotherhood: it is the true and legitimate source of all authority: the final resort of all appeal, and there is no power vested in any officer, committee or body of members, except in convention assembled, to repeal, alter, or change its law and decisions except by referendum vote as hereinafter provided."

Article 5 reads:

"Section 1. There shall be one form of Constitution of the Grand Lodge, Statutes for the Government of Lodges, Protective Laws, and T.C. Division By-Laws, which shall be the law by which each member and all subordinate units shall be governed and a copy thereof will be furnished each member."

Article 5 continues:

"Section 2 (a). It is the obligation and responsibility of every officer, subordinate unit and member to comply with the Constitution, Statutes for the Government of

Appendix B — Memorandum in Opposition to Proposal for
Reorganization attached to Head Affidavit.

--2--

Lodges, Protective Laws and T. C. Division By-Laws of this Brotherhood and the orders of its proper officers when in conformity therewith: and they shall refrain from any conduct that tends or is designed to interfere with the performance of the legal or contractual obligations of the Brotherhood or any subordinate unit, to defeat or subvert the lawfully declared and established policies and objectives of the Brotherhood or to defame the Brotherhood, or any officer, subordinate unit or member thereof. The sanctity of the obligation shall at all times be strictly adhered to and preserved. Not only shall the Constitution, Statutes for the Government of Lodges, Protective Laws, and T.C. Division By-Laws be binding on the officer, member, or subordinate unit but shall likewise apply to any other officers of the Brotherhood, subordinate unit, or member, who by their own acts have made themselves accessories before or after the fact." (Underscoring supplied.)

If we pass this proposal we are accessories before the fact as well as violators of our oath of office.

We cannot deviate from these laws which have been established to guide and direct us in the performance of our duties. We must constantly be mindful of the moral and legal responsibilities of our oath of office.

Respectfully submitted,

W. J. Head
W.J. Head,
General Chairman

CC: C. L. Dennis,
International President

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.



The Modern Union On The Move

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

CIO — CLC

C. L. DENNIS International President

Files 235-0-16
250-900-16

Subject: Express Division

June 13, 1974

All Local Lodge Officers
Express Division

Dear Sisters and Brothers:

You have by this time been made aware by your District Board Officers of the restructuring of the Express Division/BRAC. The reorganization structure was proposed by the National Association of Express General Chairmen and approved by the Brotherhood's Structure Committee, which was established by the Delegates in session at our 1971 Convention, and further approved by the Brotherhood's Executive Council.

The purpose of this letter is to alert you, as officers, of the Brotherhood to a letter which will be mailed to all members of the Express Division within the next several days, setting out the details of the restructuring. An advance copy of that letter is attached hereto and should assist you in clarifying and answering questions of the members of your Local Lodge.

Briefly, the restructuring of the Express Division will involve the phasing out of all District Boards and Local Lodges and replace them with a new structure which is based on the System Division concept adapted to the needs of the Express Division. As a result, there will be a unified, nation-wide express structure. Primary emphasis of the structure will be on serving the membership in the areas of representation, grievance handling, and contract enforcement and negotiations rather than on a large number of administrative offices.

Effective July 1, all District Boards will be consolidated into the Express Division. During the months of July, August, and September, the Executive Committee of the newly established Division consisting of International Vice President R. J. Devlin, Secretary-Treasurer G. E. Stephenson, Vice Presidents S. E. Milone, Eddie Harshman, W. A. Johnson, H. P. Simonis, J. J. Witmeyer, and F. V. McCormick, will carefully examine the present jurisdiction of Local Lodges and then establish Districts based on a nation-wide structure. As these Districts are established, the Local Lodges within those Districts will be closed out and all residual funds transferred to Secretary-Treasurer G. E. Stephenson, Express Division. In the interim period, Local Lodges and Local Lodge Officers are hereby advised that they are prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974.

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.

-2-

All Local Lodges should immediately furnish International Vice President R. J. Devlin with a list of the names of all their Local Lodge Officers, their terms and salaries, as of May 31, 1974.

The restructuring of our Express Division will not be an easy task for any of us involved. I know I can count on all the officers of our Express District Boards and Local Lodges to render their fullest cooperation toward making this transition as smoothly as possible.

Sincerely and fraternally,


International President

cc: Mr. D. J. Sullivan, IST
Mr. R. J. Devlin, IVP
All General Chairmen Express Divn., U.S.

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.

ALL BRAC MEMBERS - REA DIVISION

Greetings:

This letter, admittedly lengthy, contains very important information to members of our Brotherhood employed by REA Express. It is of such importance to you and your family, it is in your best interest to take the few minutes necessary to read and digest its contents. The subject matter deals with, "Proposal For Reorganization of The Express Division of BRAC" and each and everyone of us will in some way be affected by this proposal.

In 1969 the National Association of Express General Chairmen authorized a study of the structure of the Express Division to bring about changes that would produce a structure that would best serve the needs of our membership. The Committee had made little more than a cursory review of our Express structure when the Executive Council in August, 1970 and then the Grand Lodge Convention in May, 1971 authorized the establishment of a Special Committee on Union Structure to study and make recommendations to improve the basic structure of BRAC as a whole. These authorities naturally took precedence over our limited and independent study of the Express Division alone. In addition I requested, and the International President granted us, a delay in this study in order for us to conclude negotiations with REA Express on our new contract. Our contract behind us, we then returned to the study of restructure.

You are all aware that as a result of a decline in business, there has been a consistent erosion of our membership base in the Express Division. All officers in all levels of the Division have made valiant and successful efforts to keep the Division operating on an effective basis in spite of this decline in membership. However, almost all have also come to realize that this is an increasingly difficult, if not impossible, task.

Presently, we have approximately 13,000 Class 1 members as compared to approximately 19,000 on January 1, 1971. Divided by 15 District Boards, this means an average of 867 Class 1 members per Board. Actually, of course, the real situation is not reflected in the average, since the range in size of Boards is from a high of 1,929 to a low of 138 Class 1 members. Further, 8 of the 15 Boards are below 1,000 Class 1 members.

Thus, we have a union structure which was historically developed to service the needs of 40,000 to 50,000 members, and we are trying to stretch its resources to service a base of only 13,000. This, obviously, is impossible in the long range.

Beyond the simple numbers involved, we are also faced with other serious considerations which stem directly from this decline in membership:

1. A number of District Boards have experienced great financial difficulty in holding District Board Meetings;
2. Several General Chairmen have had to move from a full-time to a part-time status;

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.

3. The ability of Board officers to travel over their jurisdiction is becoming increasingly limited because of financial resources;
4. Ten of our 15 General Chairmen must operate without full-time secretarial assistance;
5. Many of our General Chairmen are unable to maintain professional office facilities;
6. We presently have 13 full-time officers on a District Board level. However, in many instances where there is more than one full-time officer in a given District Board they are, at best, financially precarious.

Given these facts, it is clear that our ability to provide full-time District Board level representation has been strained beyond its reasonable limit. Yet, the needs of our members clearly call for full-time officers.

We presently have 120 local lodges which are under the jurisdiction of Express District Boards. They range in size from 10 Class 1 members to 772 Class 1 members. On the basis of 13,000 members this would be an average of 109 Class 1 members per local lodge. 51 lodges are below fifty Class 1 members; 82 are below 100 members; 96 are below 150 members.

Class 1 members are those with an active employment relationship.

To the best of our information, there are six full-time local lodge officers in the Division, and one full-time combination local lodge and District Board officer. Our local lodges generally are unable to function as effectively as our local lodge officers and members would desire. The major cause of this is, of course, money. And the major cause for the lack of money is the decrease in membership. Given this situation, we see many negative features increasingly apparent;

1. Many local lodges either have difficulty in filling or cannot fill the officer positions;
2. The resources of many local lodges are split up among many officers, providing very little remuneration for any one officer;
3. Many local lodges cannot afford to even have the Local Chairman check off from work in order to handle grievances or discipline work;
4. Attendance at local lodge meetings is at an historic low.

Under our present structure, we require monthly meetings of our lodges and we require a full complement of officers to carry out the business of the lodge. When you look at this structure in the cold reality of today's membership levels, it is clear that it is a luxury our members cannot afford, and a luxury which does not really produce direct benefits for the member. Thus, each lodge has a President, Vice President, Recording Secretary, Financial Secretary-Treasurer, Legislative Representative, three man Board of Trustees, and a Protective Committee composed of a Chairman and at least two members. That is the constitutional minimum under our present structure. The member's interest in his union is in grievance handling and contract negotiations. Realistically, any local lodge function

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.

which is not directly related to these areas exists for the benefit of the union structure rather than for the benefit of the member's primary interest. Such functions are self-serving rather than membership serving. In plain and simple English, that means that a majority of our local lodge officers under our present structure are filling offices which serve the administrative needs of the union as an institution, rather than the needs of the member in handling grievances and contracts. Of course, such administrative needs must be met in all organizations. Our problem is that we are meeting them with a structure which is totally unrealistic, and we are dissipating our resources to the point where we are no longer able to meet the direct membership needs without tremendous human sacrifice.

We could go on with this list of problems, but the picture is clear. As a result of management policies which brought a severe decline in business, and a subsequent massive decline in membership, we now have an Express Division structure stretched beyond its available resources, with underpaid officers, with financial strains impairing the ability of these officers to service our membership. There are no easy solutions to these problems, but it is apparent that we must take steps to change the situation. We must develop our own structure which meets our needs as Expressmen.

The goals are clear:

1. Improve service to our members;
2. Solidify our strength;
3. Maintain the elective process;
4. Maintain some type of regional representation;
5. Increase clerical support help;
6. Consolidate our strengths;
7. Solidify full-time representation;
8. Protect existing officers equities;
9. Eliminate jurisdictional problems.

The following proposal is designed to accomplish these objectives. It is a structure which would be unique to the Express Division. It is a structure which is designed specifically for the Express Division, unlike the railroad structure or pattern. It is a structure which draws on our experiences, and also on the experiences of other unions. It makes use of the new flexibility we have been afforded by Convention action through the Structure Committee, and adapts what we feel are the best features of the variety of BRAC structures available to us -- System Board; System Division; Terminal Board; Local Lodge; Local Districts; and so on -- and focuses them on meeting the needs of our Express members.

We believe this structure will more effectively utilize our resources, improve our ability to service our membership, and maintain our integrity as a Division of BRAC, separate and different from its many other groups.

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
with attachments attached to Head Affidavit.

Essentially, we will completely phase out the District Board/Local Lodge Structure and replace it with a new structure which is based on the System Division concept adapted to the needs of the Express. This means that there will be a unified, nation-wide Express structure. It means that the primary emphasis of the structure will be on serving the membership in the areas of representation, grievance handling, and contract enforcement and negotiations, rather than on a large number of administrative offices.

The fundamental principles which we have followed are very simple:

- * Improve representation by concentrating efforts and resources;
- * Establish a flexibility in structure;
- * Make sure that the equity interests of all those members who have served as officers on a local lodge and District Board and Grand Lodge level are properly taken care of.

We propose to implement this restructuring by merging all existing District Boards of Adjustment into a new Express Division, effective July 1, 1974. The Officers of the Express Division shall be:

- * International Vice President and President, Express Division
- * Secretary-Treasurer, Express Division
- * Six Regional Vice Presidents, Express Division
(Eastern States, Central States, Southeastern States, Midwestern States, Southwestern States, Western States)

In addition there shall be elected:

- * A Division Board of Trustees, composed of a Chairman and two members, elected by the members of the Division, and;
- * A Division Appeals Committee composed of a Chairman and two members, elected by the members of the Division.

The six Regional Vice Presidents and the Secretary-Treasurer shall be elected by the District Chairmen in the Division as a whole. The President of the Division shall be International Vice President-Express, elected by the BRAC Convention. These officers shall form the Executive Committee of the Division and also function as the Division Negotiating Committee. They shall have all powers of office as established in the Protective Laws of BRAC as outlined in Section 2, Article 5.

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.

The Division President will appoint one (1) Assistant and a Secretary to the Division President subject to the approval of the International President. The present Grand Lodge Organizers coming from the Express, Brothers Cusumano and Leonidas, will be assigned to the International Vice President's office. Area Representatives and clerical help as needed will be appointed and assigned by the Division President subject to the approval of the Executive Committee.

The local level officers will be District Chairmen - Convention Delegate. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the present jurisdiction of local lodges and then establish Districts based on a nation-wide structure. The Executive Committee shall then designate one of the present Local Chairmen or other Local Lodge Officers from a lodge within the new District to serve as District Chairman for the new District, with salary and expenses set initially by the Executive Committee. These District Chairmen shall become the members of the Express Division. They shall be subject to election by the members in their District in December, 1976, to a four year term of office and,

^{District}
Legislative Representatives. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the jurisdiction of the new Districts and designate one of the present Legislative Representatives or other Local Lodge Officers from lodges within the District to serve as Legislative Representatives for each State in which the District has ten or more members. Salary and expenses for such Legislative Representatives not otherwise defrayed shall be borne by the Division. These Legislative Representatives shall be subject to election in December, 1976 to a four year term of office.

Convention representation for the 1975 Grand Lodge Convention - in Districts with 150 or more members the members ^{therein} shall elect a Convention Delegate in December, 1974. He shall have a weighted vote in accordance with Grand Lodge formulae. Districts with less than 150 members shall be pooled and the members shall elect the number of delegates-at-large to which this total number of members entitle them under the Grand Lodge formulae, with each delegate so elected having one vote.

Convention representation after 1975 will be determined as follows:

In Districts with 150 or more members the office of District Chairman and Convention Delegate will be combined. In December, 1976, and each four years thereafter, whoever is elected District Chairman-Convention Delegate shall serve as Convention Delegate at the next Convention, providing qualifications are met, including having 150 or more members in the September preceding the Convention year. The Delegate shall have a weighted vote. In Districts with less than 150 members the office of District Chairman-Convention Delegate nominee shall be combined into one office. In December, 1976, whoever are elected District Chairmen-Convention Delegate nominees from such Districts shall then have their names placed on an at-large ballot and the members in that pool of Districts shall elect at-large delegates from that group. Each delegate shall have one vote. These at-large elections shall be conducted in December of the year preceding the Convention.

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/ attachments attached to Head Affidavit.

As soon as possible all District Boards (July, 1974) and Local Lodges (July-August-September, 1974) shall be terminated and their assets consolidated into the Express Division treasury. In the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974. After the new Districts are established, all local lodge officers not designated as District Chairmen shall be afforded, at their choice, one of the following two options:

- (1) Continuation on the Division payroll at their present local lodge rate of pay for the balance of their local lodge term of office; or
- (2) A lump-sum separation allowance of twelve times their present local lodge monthly rate of pay provided their term of office has 12 or more months remaining.

If appointed or elected to any other office in the union during the period involved, or the period of the options, the salary established for the office to which appointed or elected shall be in lieu of the amounts set forth in the above options. Present local lodge officers designated as District Chairmen under the new structure will be guaranteed as a minimum their present local lodge salary on an incumbency basis through their new term of office.

The Division shall meet every other year, in odd-numbered years. In years of the Grand Lodge Convention, the Division meeting shall take place in the Convention City the week immediately following the Convention. Election of officers shall be conducted at the meetings held during Convention years, for four year terms. The Division President shall conduct Educational Conferences for local officers of the Division in each Region in the even-numbered years. The Regional Vice President Area Representatives and District Chairmen may conduct more frequent meetings as their judgment deems necessary, with the approval of the Division President.

In order to have an orderly transition from our present Express Structure to the new Express Division Structure, which will be a difficult and complicated process, there will have to be a number of temporary measures taken which, in effect, constitute an organizing type effort. The basic principles which we must follow in this transition are really very clear and direct:

- * We must thoroughly protect the interests of our members in the transition so that their claims, grievances, and contracts are not impaired;
- * We must select highly capable local level officers (District Chairmen and Legislative Representatives) to serve during the temporary period;
- * We must make sure that the Division Officers who operate during the temporary period see that the rights of the members are properly protected;
- * We must bring about better communication with our members through more frequent member/officer contact;

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.

- * We must coordinate the efforts of all officers and appointive personnel so that we work in common directions.

We have already taken the necessary following actions:

The National Association of Express General Chairmen was convened in session on May 28, 29, 1974 by the International Vice President, Express. The General Chairmen adopted, subject to the approval of the International President, this reorganization plan effective July 1, 1974;

Temporary Division By-Laws were also adopted by the General Chairmen, subject to the approval of the International President.

Since this proposal does involve suggested constitutional changes it was submitted to, and approved by, the Structure Committee for temporary operating authority and then submitted to, and approved by, the Executive Council.

Appendix C -- Letter to all Local Lodge Officers, dated 6-13-74
w attachments attached to Head Affidavit.

In order to further the orderly and effective transition, the following present officers shall hold the following new positions until the regular election in 1975:

<u>TITLE</u>	<u>NAME</u>
International Vice President & President, Express Division	R. J. Devlin
Secretary-Treasurer, Express Div.	G. E. Stephenson
Vice President-Eastern States	S. E. Milone
Vice President-Central States	Eddie Harshman
Vice President-Southeastern States	W. A. Johnson
Vice President-Midwestern States	H. P. Simonis
Vice President-Southwestern States	J. J. Witmeyer
Vice President-Western States	F. V. McCormick

DIVISION STAFF

<u>TITLE</u>	<u>NAME</u>
Area Representatives (as needed)	
Area Representative	T. F. Timmins, Jr.
Area Representative	C. T. Rice, Jr.
Area Representative	W. J. Head
Area Representative	G. E. Lozar
Area Representative	Gordon Kinning
Area Representative	W. W. Wilkinson
Area Representative	William Eissler
Area Representative	M. C. Myrick
Area Representative	F. J. Hanrahan
Area Representative	B. J. Smith

Area Representatives will serve to assist the membership wherever and whenever there is a need. This list is not complete. As soon as the Executive Committee completes the task of creating the new Districts, we expect to significantly increase the number of full and part-time Area Representatives. However, we feel this should be done only after we have made a full assessment of membership needs in each Region and District. We will seek the help and advice of all Local Lodge Officers and members in this assessment.

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w/attachments attached to Head Affidavit.

In addition to the Area Representatives there will be approximately 50 District Representatives located throughout the United States to provide local representation in the area where you work.

Division Board of Trustees

<u>TITLE</u>	<u>NAME</u>
Chairman	B. J. Smith
Member	W. Eissler
Member	W. Head

Division Appeals Committee

<u>TITLE</u>	<u>NAME</u>
Chairman	J. J. Witmeyer, Jr.
Member	W. A. Johnson
Member	F. V. McCormick

If an Area Representative position becomes vacant for any reason the Executive Committee shall have the right to fill it, in the manner described, or to eliminate the position.

The election of officers shall be accomplished as set out hereafter.

International Vice President-Express (President, Express Division) and Member, Board of Trustees, Express, will be elected at the BRAC Conventions in the usual manner.

The Express Division Secretary-Treasurer, Appeals Committee and Board of Trustees, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen for a four year term.

The six Regional Vice Presidents, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen, for a four year term.

The District Chairmen will be elected by members in the District for a four year term. Next election scheduled for December, 1976, when the District Chairman will run as District Chairman/Convention Delegate.

The Legislative Representatives will be elected by members in the District. The next election is scheduled for December, 1976. In the interim the Executive Committee will designate one of the present Local Lodge Legislative Representatives or other Local Lodge officers to serve as the District Legislative Representative(s).

ments

Arrangements will be made to protect and advance existing claims and grievances. Future claims and grievances in the Express Division shall be filed by the District Chairman or, in some instances, by the Area Representative. The first appeal will be handled by the Area Representative or, in some instances, by the Vice President or his designee and then to the International Vice President for

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
with attachments attached to Head Affidavit.

submission to arbitration. Negotiations for changes in the agreement, implementing agreements, local agreements, etc., shall be supervised by the International Vice President and the Negotiating Committee, with specific assignments given to the Regional Vice Presidents and Area Representatives. All National Agreements shall be subject to ratification.

DUES AND FEES

The new reorganization requires the implementation of a uniform policy on Dues and Fees. Therefore, effective July 1, 1974 dues and fees for all Express Members will be as follows:

MONTHLY DUES	-	\$12.50 Active Members
MONTHLY DUES	-	\$ 1.50 Retention and Retired Members
INITIATION FEE	-	\$100.00
REINSTATEMENT FEE	-	\$150.00

For the overwhelming majority of our members, this means the maintenance of the same dues level. For some members, it means a dues increase, and for some it means an actual decrease in dues. From this time forward, it means that all Express members will be paying the same amount of dues and are fully entitled to expect, demand and receive the same high level of service.

We specifically caution you to note the re-instatement fee. Members must be aware of their obligation to pay dues monthly and on a timely basis. We urge all members to take advantage of the dues payroll deduction procedure. This assures proper receipt on a timely basis if the dues are paid thru payroll deduction. However, if you care to pay your dues direct rather than thru payroll deduction, or if you are a retired or out-of-work member whose dues cannot be deducted from payroll, you are to send your dues in a timely fashion to:

Mr. G. E. Stephenson, Secretary-Treasurer
Express Division, BRAC
(Address will appear in letter to members)

Checks or money order should be made payable to:

G. E. Stephenson, Sec.-Treas.,
Express Division, BRAC

Secretary-Treasurer Stephenson is the exclusive agent for the collection of dues, initiation and reinstatement fees. No other representative shall collect dues or fees unless specifically authorized by him.

You are specifically cautioned that sending your dues by mail inevitably results in delays due to the slow handling of the U. S. Postal Service. It takes as long as two weeks for the Postal Service to deliver mail to this office from some parts of the country. Those of you who are not on payroll deduction are urged to take advantage of this system.

You are reminded that dues are due and payable on the first day of each calendar month, which means that a member owes two (2) months' dues on the first day of the second month and before midnight of the last day of the second month for which he owes dues he must remit the two (2) months' dues or he is automatically suspended. No demand for payment of dues or notice of non-payment thereof or delinquency is necessary or required. Further, no notice of suspension is required.

We realize this most progressive undertaking will be difficult and at times confusing to all, but with patience and perseverance we shall develop a unit of the Brotherhood that we can all be proud of. We ask all of you to exhibit a true spirit of Brotherhood in our endeavors through cooperation and understanding.

Appendix C — Letter to all Local Lodge Officers, dated 6-13-74
w attachments attached to Head Affidavit.

With best personal regards.

Sincerely and fraternally,

International President

International Vice President
Express Division

Appendix D — Letter to D. J. Sullivan, dated 6-14-74
attached to Head Affidavit.

APPENDIX "D"



*BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES*

AFL CIO - CLC

C. L. DENNIS International President

File: 250-900-16

Subject: Express Division No. 900

June 14, 1974

Mr. D. J. Sullivan, IST
6300 River Road
Rosemont, Illinois 60018

Dear Sir and Brother:

This letter has reference to the restructuring of the Express Division of BRAC, as adopted by the National Association of Express General Chairmen, approved by the Structure Committee of the Brotherhood and by the Brotherhood's Executive Council. A copy of the agreement is attached for your ready reference.

I draw your attention to paragraph 11.0 of the attached document titled "Funds and Assets." Under this agreement all District Board funds and assets are to be consolidated into the Express Division within the month of July, 1974. Under these circumstances District Boards of Adjustment Nos. 501, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, and 516 will require an audit by your Audit and Bonding Department. I would appreciate your making arrangements for these audits to be made as soon as possible after July 1, 1974 and all funds and assets be transferred to Secretary-Treasurer G. E. Stephenson of the newly established Express Division.

Paragraph 11.2 provides for Local Lodge funds and assets to be consolidated into the Express Division within the months of July, August, and September, 1974. Paragraph 4.2 provides that during the first three months (July, August, and September) the Executive Committee of the Express Division will examine the present jurisdiction of Local Lodges and then establish Districts based on a nation-wide structure. The Local Lodges will be phased out as new District boundaries are established by the Executive Committee of the Express Division. It is my suggestion that International Vice President Devlin and the Executive Committee of the Express Division coordinate the termination of Lodges within a newly established District with your office. Upon receipt of request from the International Vice President and the Executive Committee to close out a Lodge, I would appreciate your assigning a Grand Lodge Auditor to audit the books and transfer all residual funds to Secretary-Treasurer G. E. Stephenson of the Express Division.

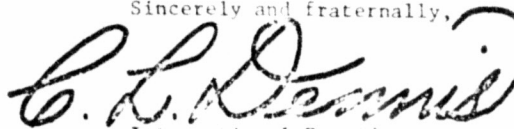
International Vice President Devlin has requested that the membership records of all Express Division members continue to show the Lodge number of the Lodge they were members of on June 30, 1974. I am advised that Data Processing can do this.

Appendix D — Letter to D.J. Sullivan, dated 6-14-74
attached to Head Affidavit.

- 2 -

We have previously assigned identification numbers to our System Divisions in the United States and Canada by using the 900 series. I suggest we assign the number 900 to the newly established Express Division for identification purposes and I have done so by giving this letter the file number 250-900. If you are agreeable to this, I would appreciate your so advising.

Sincerely and fraternally,



C. L. Dennis
International President

cc: Mr. R. J. Devlin, IVP, Express

All General Chairmen, Express
District Board of Adjustment

All General Secretary-Treasurers, Express
District Board of Adjustment

**Appendix E — Letter to R. J. Corgel, dated 6-11-74
attached to Head Affidavit.**

APPENDIX "E"

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

AFL-CIO-CLC

R. J. DEVLIN International Vice President

The Modern Union On The Move

File: 116-1

Subject: Rules - Dues Deductions -
REA Express

June 11, 1974

Mr. R. J. Corgel
Vice President, Labor and Service Control
REA Express
219 East 42nd Street
New York, New York 10017


Dear Sir:

This letter will serve as your authority to deduct \$12.50 for all employees, on uniform payroll deduction, under our jurisdiction, during the payroll period in June, 1974 (July, 1974 dues) and each month thereafter unless specifically instructed to do otherwise by this office.

Remittance covering these deductions should be made payable and forwarded to,

Mr. G. E. Stephenson
Secretary-Treasurer, Express Division
BRAC
Suite 3-A
141 West 41st Street
New York, New York 10036

Very truly yours,


International Vice President

cc: Mr. C. L. Dennis, International President
Mr. D. J. Sullivan, International Secretary-Treasurer
All Express General Chairmen

Appendix F — Letter to C. L. Dennis, dated 6-17-74
attached to Head Affidavit.

APPENDIX "F"

Brotherhood of Railway, Airline, and Steamship Clerks
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

Empire District Board of Adjustment

P. O. Box 40, Lackawanna, New York 14218

W. J. HEAD, General Chairman

Phone: 822-0940 AREA CODE 716

JOSEPH VIRKLER
General Secretary-Treasurer
P. O. Box 64
NEW HARTFORD, N. Y. 13413

June 17, 1974

FRANK J. ...

Mr. J. J. ...
International ...
...
O'hare International Transportation Center
6300 River Road
Naperville, Illinois 60563

Re: Restructuring of REA Division of B.R.A.C.

Dear Sir and Brother:

Pursuant to Section 501, Sections A and B of the Labor Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. Code - U.S.C. 501, I request that you initiate a Court action against yourself - as International President of this Brotherhood, and the Executive Council for violations of Sections 501 (a) and (b) of said Act.

Specifically, the violation of fiduciary responsibilities and duties imposed upon these Officers of this Brotherhood by U. S. Law is evident by the Officers' failure to comply with our Union Constitution and By-Laws.

On June 13, 1974, International President R. J. Devlin addressed a letter to R. J. Corgel, Vice President Labor Relations REA Express, instructing Mr. Corgel to remit dues deducted from members to Mr. G. E. Stephenson, 141 E. 41st Street, New York City, in lieu of the local financial secretaries. This action has not been approved by the concerned locals.

Also, I - a member of Local 2144, B.R.A.C., Buffalo, New York, in good standing, request that you seek injunctive relief to restrain this illegal transfer of funds which violates our Union's fiduciary obligation; and

ONLY COPY AVAILABLE

Appendix F — Letter to C. L. Dennis, dated 6-17-74
attached to Heao Affidavit.

Mr. C. L. Dennis,
International President

--2--

June 17, 1974

that you act immediately in order to adequately protect the members of this Union.

If you have not replied by June 24, 1974, I shall be obligated to pursue this matter in the Federal District Court for the Eastern New York District.

Please also be advised that I am appealing - pursuant to our Constitution and By-Laws - the decision to restructure the RLA Division of B.F.A.C. and the confiscation of District and Local funds pursuant to our Constitution and By-Laws.

Sincerely and fraternally,

W. J. Head,
General Chairman

Chief

Or: Mr. R. J. Devlin,
International Vice President

Mr. D. J. Sullivan,
International Secretary-Treasurer

Appendix G — Mailgram Letter, dated 6-21-74
attached to Head Affidavit.

MGM80UFA 80F
J-039482 E172 06/21/74
ICS IPMBNGZ CSF
9126927711 MGM TDBN ROSEMONT IL
ZIP 14218

APPENDIX "G"



Mailgram



► MR WILLIAM J. FEED, GENERAL CHAIRMAN #1
J. J. 33A 44
LACKAWANNA NY 14218

DEAR SIR AND BROTHER:

I AM IN RECEIPT OF YOUR LETTER DATED JUNE 17 1974 REQUESTING ME TO INITIATE A COURT ACTION AGAINST MYSELF AS INTERNATIONAL PRESIDENT OF THE BROTHERHOOD AND ALSO AGAINST THE EXECUTIVE COUNCIL FOR ALLEGED VIOLATIONS OF SECTION 501 OF THE LABOR REPORTING AND DISCLOSURE ACT OF 1959.

AS YOU ARE AWARE, MR. DEVLIN'S LETTER OF JUNE 11 1974 TO MR. R. J. CORSE, VICE PRESIDENT LABOR RELATIONS REA EXPRESS, WAS WRITTEN IN IMPLEMENTATION OF THE ACTION OF THE COMMITTEE ON STRUCTURE AUTHORIZED BY THE MAY 1971 BROTHERHOOD CONVENTION TO RECOMMEND TO THE EXECUTIVE COUNCIL OF THE BROTHERHOOD STRUCTURAL CHANGES IN SUBORDINATE UNITS OF THE BROTHERHOOD, ON A TEMPORARY EXPERIMENTAL BASIS, SUBJECT TO THE APPROVAL OF THE NEXT REGULAR BROTHERHOOD CONVENTION SCHEDULED FOR MAY 1975. YOU ARE A MEMBER OF THIS COMMITTEE AND ARE AWARE THAT A SUB-COMMITTEE THEREOF, CONSISTING OF THE INTERNATIONAL VICE PRESIDENT OF THE BROTHERHOOD FOR EXPRESS AND EXPRESS GENERAL CHAIRMAN, PROPOSED THE CHARGES FOR REORGANIZING THE EXPRESS DIVISION OF THE BROTHERHOOD, THAT ALL OF THE EXPRESSED GENERAL CHAIRMAN, INCLUDING YOURSELF, AND WITH ONE ABSENCE BECAUSE OF ILLNESS, MET AT THE HEADQUARTERS OF THE BROTHERHOOD IN ROSEMONT ILLINOIS TO CONSIDER THESE PROPOSALS, THAT THEY WERE SUBMITTED TO THE EXPRESS GENERAL CHAIRMAN ASSOCIATION AND APPROVED BY A SUBSTANTIAL MAJORITY VOTE OF THAT GROUP, THAT THEY WERE THEN APPROVED BY A SUBSTANTIAL VOTE ON THE COMMITTEE ON STRUCTURE WHICH RECOMMENDED THE PROPOSALS TO THE EXECUTIVE COUNCIL, AND THAT THEY WERE THEREAFTER APPROVED BY ITSELF AND BY THE EXECUTIVE COUNCIL. YOU ARE ALSO AWARE OF THE NEED FOR THIS REORGANIZATION IN THE BEST INTERESTS OF THE BROTHERHOOD AND OF THE EXPRESSED MEMBERSHIP.

UNDER THESE CIRCUMSTANCES I CONSIDER IT BE INAPPROPRIATE TO AUTHORIZE THE EXPENDITURE OF BROTHERHOOD FUNDS TO INITIATE A SUIT AGAINST MYSELF AND THE EXECUTIVE COUNCIL OF THE BROTHERHOOD FOR THE PURPOSES OUTLINED IN YOUR LETTER. THE RECOMMENDATIONS OF THE COMMITTEE ON STRUCTURE AND THE APPROVAL THEREOF BY ITSELF AND THE EXECUTIVE COUNCIL WERE TAKEN IN ACCORDANCE WITH AND UNDER THE MANDATE AND AUTHORIZATION OF THE BROTHERHOOD CONVENTION AND WITHIN THE FRAMEWORK OF THE BROTHERHOOD CONSTITUTION. THE RECOMMENDATIONS WERE MADE BY THE STRUCTURE COMMITTEE ONLY AFTER THE MOST CAREFUL AND FULL CONSIDERATION BY THE EXPRESS GENERAL CHAIRMAN & VOLED VOLUNTEERINGLY FOR THE RECOMMENDATIONS. YOU FULL PARTICIPATION IN THIS CONSIDERATION. AN AUTHORIZATION TO

Appendix G — Mailgram Letter, dated 6-21-74
attached to Head Affidavit.



Mailgram



TO PROVIDE BROTHERHOOD FUNDS FOR THE PURPOSES YOU REQUEST WOULD
NOT BE IN THE BEST INTERESTS OF THE BROTHERHOOD.
IN YOUR LETTER ADVISED THAT YOU ARE APPEALING THE
DECISION TO RE-STRUCTURE AREA DIVISION OF THE BROTHERHOOD.
I WILL REFER THE MATTER TO THE NEXT ANNUAL MEETING OF
THE BROTHERHOOD. SINCERELY AND FRATELLALLY
J. C. DENNIS INTERNATIONAL PRESIDENT

1807 ED

18180FA BUF

**Appendix H — Letter to all BRAC Members
attached to Head Affidavit.**



The Modern Union — On The Move

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

AFL CIO — CLC

C. L. DENNIS International President

ALL BRAC MEMBERS — REA DIVISION

Greetings:

This letter, admittedly lengthy, contains very important information to members of our Brotherhood employed by REA Express. It is of such importance to you and your family, it is in your best interest to take the few minutes necessary to read and digest its contents. The subject matter deals with, "Proposal For Reorganization of The Express Division of BRAC" and each and everyone of us will, in some way be affected by this proposal.

In 1969 the National Association of Express General Chairmen authorized a study of the structure of the Express Division to bring about changes that would produce a structure that would best serve the needs of our membership. The Committee had made little more than a cursory review of our Express structure when the Executive Council in August, 1970 and then the Grand Lodge Convention in May, 1971 authorized the establishment of a Special Committee on Union Structure to study and make recommendations to improve the basic structure of BRAC as a whole. These authorities naturally took precedence over our limited and independent study of the Express Division alone. In addition I requested, and the International President granted us, a delay in this study in order for us to conclude negotiations with REA Express on our new contract. Our contract behind us, we then returned to the study of restructure.

You are all aware that as a result of a decline in business, there has been a consistent erosion of our membership base in the Express Division. All officers in all levels of the Division have made valiant and successful efforts to keep the Division operating on an effective basis in spite of this decline in membership. However, almost all have also come to realize that this is an increasingly difficult, if not impossible, task.

Presently, we have approximately 13,000 Class 1 members as compared to approximately 19,000 on January 1, 1971. Divided by 15 District Boards, this means an average of 867 Class 1 members per Board. Actually, of course, the real situation is not reflected in the average, since the range in size of Boards is from a high of 1,929 to a low of 138 Class 1 members. Further, 8 of the 15 Boards are below 1,000 Class 1 members.

Thus, we have a union structure which was historically developed to service the needs of 40,000 to 50,000 members, and we are trying to stretch its resources to service a base of only 13,000. This, obviously, is impossible in the long range.

Beyond the simple numbers involved, we are also faced with other serious considerations which stem directly from this decline in membership:

1. A number of District Boards have experienced great financial difficulty in holding District Board Meetings;
2. Several General Chairmen have had to move from a full-time to a part-time status;
3. The ability of Board officers to travel over their jurisdiction is becoming increasingly limited because of financial resources;
4. Ten of our 15 General Chairmen must operate without full-time secretarial assistance;
5. Many of our General Chairmen are unable to maintain professional office facilities;
6. We presently have 13 full-time officers on a District Board level. However, in many instances where there is more than one full-time officer in a given District Board they are, at best, financially precarious.

**Appendix H — Letter to all BRAC Members
attached to Head Affidavit.**

2.

Given these facts, it is clear that our ability to provide full-time District Board level representation has been strained beyond its reasonable limit. Yet, the needs of our members clearly call for full-time officers.

We presently have 120 local lodges which are under the jurisdiction of Express District Boards. They range in size from 10 Class 1 members to 772 Class 1 members. On the basis of 13,000 members this would be an average of 109 Class 1 members per local lodge. 51 lodges are below fifty Class 1 members; 82 are below 100 members; 96 are below 150 members.

Class 1 members are those with an active employment relationship.

To the best of our information, there are six full-time local lodge officers in the Division, and one full-time combination local lodge and District Board officer. Our local lodges generally are unable to function as effectively as our local lodge officers and members would desire. The major cause of this is, of course, money. And the major cause for the lack of money is the decrease in membership. Given this situation, we see many negative features increasingly apparent:

1. Many local lodges either have difficulty in filling or cannot fill the officer positions;
2. The resources of many local lodges are split up among many officers, providing very little remuneration for any one officer;
3. Many local lodges cannot afford to even have the Local Chairman check off from work in order to handle grievances or discipline work;
4. Attendance at local lodge meetings is at an historic low.

Under our present structure, we require monthly meetings of our lodges and we require a full complement of officers to carry out the business of the lodge. When you look at this structure in the cold reality of today's membership levels, it is clear that it is a luxury our members cannot afford, and a luxury which does not really produce direct benefits for the member. Thus, each lodge has a President, Vice President, Recording Secretary, Financial Secretary-Treasurer, Legislative Representative, three-man Board of Trustees, and a Protective Committee composed of a Chairman and at least two members. That is the constitutional minimum under our present structure. The member's interest in his union is in grievance handling and contract negotiations. Realistically, any local lodge function which is not directly related to these areas exists for the benefit of the union structure rather than for the benefit of the member's primary interest. Such functions are self-serving rather than membership-serving. In plain and simple English, that means that a majority of our local lodge officers under our present structure are filling offices which serve the administrative needs of the union as an institution, rather than the needs of the member in handling grievances and contracts. Of course, such administrative needs must be met in all organizations. Our problem is that we are meeting them with a structure which is totally unrealistic, and we are dissipating our resources to the point where we are no longer able to meet the direct membership needs without tremendous human sacrifice.

We could go on with this list of problems, but the picture is clear. As a result of management policies which brought a severe decline in business, and a subsequent massive decline in membership, we now have an Express Division structure stretched beyond its available resources, with underpaid officers, with financial strains impairing the ability of these officers to service our membership. There are no easy solutions to these problems, but it is apparent that we must take steps to change the situation. We must develop our own structure which meets our needs as Expressmen.

The goals are clear:

1. Improve service to our members;
2. Solidify our strength;
3. Maintain the elective process;
4. Maintain some type of regional representation;
5. Increase clerical support help;
6. Consolidate our strengths;
7. Solidify full-time representation;
8. Protect existing officers' equities;
9. Eliminate jurisdictional problems.

**Appendix H — Letter to all BRAC Members
attached to Head Affidavit.**

3.

The following proposal is designed to accomplish these objectives. It is a structure which would be unique to the Express Division. It is a structure which is designed specifically for the Express Division, unlike the railroad structure or pattern. It is a structure which draws on our experiences, and also on the experiences of other unions. It makes use of the new flexibility we have been afforded by Convention action through the Structure Committee, and adapts what we feel are the best features of the variety of BRAC structures available to us: System Board; System Division; Terminal Board; Local Lodge; Local Districts, and so on, and focuses them on meeting the needs of our Express members.

We believe this structure will more effectively utilize our resources, improve our ability to service our membership, and maintain our integrity as a Division of BRAC, separate and different from its many other groups.

Essentially, we will completely phase out the District Board Local Lodge Structure and replace it with a new structure which is based on the System Division concept adapted to the needs of the Express. This means that there will be a unified, nation-wide Express structure. It means that the primary emphasis of the structure will be on serving the membership in the areas of representation, grievance handling, and contract enforcement and negotiations, rather than on a large number of administrative offices.

The fundamental principles which we have followed are very simple:

- Improve representation by concentrating efforts and resources;
- Establish a flexibility in structure;
- Make sure that the equity interests of all those members who have served as officers on a local lodge and District Board and Grand Lodge level are properly taken care of.

We propose to implement this restructuring by merging all existing District Boards of Adjustment into a new Express Division, effective July 1, 1974. The Officers of the Express Division shall be:

- International Vice President and President, Express Division;
- Secretary-Treasurer, Express Division;
- Six Regional Vice Presidents, Express Division (Eastern States, Central States, Southeastern States, Midwestern States, Southwestern States, Western States).

In addition there shall be elected:

- A Division Board of Trustees, composed of a Chairman and two members, elected by the members of the Division, and;
- A Division Appeals Committee composed of a Chairman and two members, elected by the members of the Division.

The six Regional Vice Presidents and the Secretary-Treasurer shall be elected by the District Chairmen in the Division as a whole. The President of the Division shall be International Vice President-Express, elected by the BRAC Convention. These officers shall form the Executive Committee of the Division and also function as the Division Negotiating Committee. They shall have all powers of office as established in the Protective Laws of BRAC as outlined in Section 2, Article 5.

The Division President will appoint one (1) Assistant and a Secretary to the Division President subject to the approval of the International President. The present Grand Lodge Organizers coming from the Express, Brothers Cusumano and Leonidas, will be assigned to the International Vice President's office. Area Representatives and clerical help as needed will be appointed and assigned by the Division President subject to the approval of the Executive Committee.

The local level officers will be District Chairmen - Convention Delegate. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the present jurisdiction of local lodges and then establish Districts based on a nation-wide structure. The Executive Committee shall then designate one of the present Local Chairmen or other Local Lodge Officers from a lodge within the new District to serve as District Chairman for the new District, with salary and expenses set initially by the Executive Committee. These District Chairmen shall become the members of the Express Division. They shall be subject to election by the members in their District in December, 1976, to a four year term of office.

**Appendix H — Letter to all BRAC Members
attached to Head Affidavit.**

4.

District Legislative Representatives: During the first three months after the effective date of reorganization, the Executive Committee will carefully examine the jurisdiction of the new Districts and designate one of the present Legislative Representatives or other Local Lodge Officers from lodges within the District to serve as Legislative Representatives for each State in which the District has ten or more members. Salary and expenses for such Legislative Representatives not otherwise defrayed shall be borne by the Division. These Legislative Representatives shall be subject to election in December, 1976 to a four year term of office.

Convention representation for the 1975 Grand Lodge Convention: in Districts with 150 or more members the members therein shall elect a Convention Delegate in December, 1974. He shall have a weighted vote in accordance with Grand Lodge formulae. Districts with less than 150 members shall be pooled and the members shall elect the number of delegates at-large to which this total number of members entitle them under the Grand Lodge formulae, with each delegate so elected having one vote.

Convention representation after 1975 will be determined as follows:

In Districts with 150 or more members the office of District Chairman and Convention Delegate will be combined. In December, 1976, and each four years thereafter, whoever is elected District Chairman-Convention Delegate shall serve as Convention Delegate at the next Convention, providing qualifications are met, including having 150 or more members in the September preceding the Convention year. The Delegate shall have a weighted vote. In Districts with less than 150 members the office of District Chairman-Convention Delegate nominee shall be combined into one office. In December, 1976, whoever are elected District Chairmen-Convention Delegate nominees from such Districts shall then have their names placed on an at-large ballot and the members in that pool of Districts shall elect at-large delegates from that group. Each delegate shall have one vote. These at-large elections shall be conducted in December of the year preceding the Convention.

As soon as possible all District Boards (July, 1974) and Local Lodges (July-August-September, 1974) shall be terminated and their assets consolidated into the Express Division treasury. In the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e. salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974. After the new Districts are established, all local lodge officers not designated as District Chairmen shall be afforded, at their choice, one of the following two options:

- (1) Continuation on the Division payroll at their present local lodge rate of pay for the balance of their local lodge term of office; or
- (2) A lump-sum separation allowance of twelve times their present local lodge monthly rate of pay provided their term of office has 12 or more months remaining.

If appointed or elected to any other office in the union during the period involved, or the period of the options, the salary established for the office to which appointed or elected shall be in lieu of the amounts set forth in the above options. Present local lodge officers designated as District Chairmen under the new structure will be guaranteed as a minimum their present local lodge salary on an incumbency basis through their new term of office.

The Division shall meet every other year, in odd-numbered years. In years of the Grand Lodge Convention, the Division meeting shall take place in the Convention City the week immediately following the Convention. Election of officers shall be conducted at the meetings held during Convention years, for four year terms. The Division President shall conduct Educational Conferences for local officers of the Division in each Region in the even-numbered years. The Regional Vice President, Area Representatives and District Chairmen may conduct more frequent meetings as their judgment deems necessary, with the approval of the Division President.

In order to have an orderly transition from our present Express Structure to the new Express Division Structure, which will be a difficult and complicated process, there will have to be a number of temporary measures taken which, in effect, constitute an organizing type effort. The basic principles which we must follow in this transition are really very clear and direct:

- We must thoroughly protect the interests of our members in the transition so that their claims, grievances, and contracts are not impaired;
- We must select highly capable local level officers (District Chairmen and Legislative Representatives) to serve during the temporary period;

**Appendix H — Letter to all BRAC Members
attached to Head Affidavit.**

5.

- We must make sure that the Division Officers who operate during the temporary period see that the rights of the members are properly protected;
- We must bring about better communication with our members through more frequent member/officer contact;
- We must coordinate the efforts of all officers and appointive personnel so that we work in common directions.

We have already taken the necessary following actions:

The National Association of Express General Chairmen was convened in session on May 28, 29, 1974 by the International Vice President, Express. The General Chairmen adopted, subject to the approval of the International President, this reorganization plan effective July 1, 1974;

Temporary Division By-Laws were also adopted by the General Chairmen, subject to the approval of the International President.

Since this proposal does involve suggested constitutional changes it was submitted to, and approved by, the Structure Committee for temporary operating authority and then submitted to, and approved by, the Executive Council.

In order to further the orderly and effective transition, the following present officers shall hold the following new positions until the regular election in 1975:

TITLE	NAME
International Vice President and President, Express Division.....	R. J. Devlin
Secretary-Treasurer, Express Division.....	G. E. Stephenson
Vice President—Eastern States.....	S. E. Milone
Vice President—Central States.....	Eddie Harshman
Vice President—Southeastern States.....	W. A. Johnson
Vice President—Midwestern States.....	H. P. Simonis
Vice President—Southwestern States.....	J. J. Witmeyer
Vice President—Western States.....	F. V. McCormick

DIVISION STAFF

TITLE	NAME
Area Representatives (as needed)	
Area Representative.....	T. F. Timmins, Jr.
Area Representative.....	C. T. Rice, Jr.
Area Representative.....	W. J. Head
Area Representative.....	G. E. Lozar
Area Representative.....	Gordon Kinning
Area Representative.....	W. W. Wilkinson
Area Representative.....	William Eissler
Area Representative.....	M. C. Myrick
Area Representative.....	F. Lanrahan
Area Representative.....	B. J. Smith

Area Representatives will serve to assist the membership wherever and whenever there is a need. This list is not complete. As soon as the Executive Committee completes the task of creating the new

**Appendix H — Letter to all BRAC Members
attached to Head Affidavit.**

6.

Districts, we expect to significantly **increase** the number of full and part-time Area Representatives. However, we feel this should be done only **after** we have made a full assessment of membership needs in each Region and District. We will seek the help and advice of all Local Lodge Officers and members in this assessment.

In addition to the Area Representatives there will be approximately **50 District Representatives** located throughout the United States to provide local representation in the area where you work.

Division Board of Trustees

TITLE	NAME
Chairman	B. J. Smith
Member	W. Eissler
Member	W. Head

Division Appeals Committee

TITLE	NAME
Chairman	J. J. Wilmeyer, Jr.
Member	W. A. Johnson
Member	F. V. McCormick

If an Area Representative position becomes vacant for any reason the Executive Committee shall have the right to fill it, in the manner described, or to eliminate the position.

The election of officers shall be accomplished as set out hereafter.

International Vice President-Express (President, Express Division) and Member, Board of Trustees, Express, will be elected at the BRAC Conventions in the usual manner.

The Express Division Secretary-Treasurer, Appeals Committee and Board of Trustees, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen for a four year term.

The Six Regional Vice Presidents, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen, for a four year term.

The District Chairmen will be elected by members in the District for a four year term. Next election scheduled for December, 1976, when the District chairman will run as District Chairman/Convention Delegate.

The Legislative Representatives will be elected by members in the District. The next election is scheduled for December, 1976. In the interim the Executive Committee will designate one of the present Local Lodge Legislative Representatives or other Local Lodge officers to serve as the District Legislative Representative(s).

Arrangements will be made to protect and advance existing claims and grievances. Future claims and grievances in the Express Division shall be filed by the District Chairmen or, in some instances, by the Area Representative. The first appeal will be handled by the Area Representative or, in some instances, by the Vice President or his designee and then to the International Vice President for submission to arbitration. Negotiations for changes in the agreement, implementing agreements, local agreements, etc., shall be supervised by the International Vice President and the Negotiating Committee, with specific assignments given to the Regional Vice Presidents and Area Representatives. All National Agreements shall be subject to ratification.

Appendix H — Letter to all BRAC Members
attached to Head Affidavit.

DUES AND FEES

The new reorganization brings the implementation of a uniform policy on Dues and Fees. Therefore, effective July 1, 1964, dues and fees for all Express Members will be as follows:

MONTHLY DUES — \$4.50 Active Members

MONTHLY DUES — \$1.50 Retention and Retired Members

INITIATION FEE — \$100.00

REINSTATEMENT FEE — \$150.00

For the overwhelming number of our members, this means the maintenance of the same dues level for all members, an increase in dues for some, and for some, it means an actual decrease in dues. From this time forward, it means that all Express members will be paying the same amount of dues and are fully worth the expected demand and **receive** the same high level of service.

We specifically caution you to note the reinstatement fee. Members must be aware of their obligation to pay dues monthly and on a timely basis. We urge all members to take advantage of the dues payroll deduction procedure. This assures proper receipt on a timely basis if the dues are paid through payroll deduction. However, if you are to pay your dues direct rather than through payroll deduction, or if you are a retired or out of work member whose dues cannot be deducted from payroll, you are to send your dues in a timely fashion to:

Mr. G. E. Stephenson, Secretary-Treasurer
Express Division, BRAC
P.O. Box 2609
Chicago, Illinois 60680

Checks or money order should be made payable to:

G. E. Stephenson, Secretary-Treasurer,
Express Division, BRAC

Secretary-Treasurer Stephenson is the exclusive agent for the collection of dues, initiation and reinstatement fees. No other representative shall collect dues or fees unless specifically authorized by him.

You are specifically cautioned that sending your dues by mail inevitably results in delays due to the slow handling of the U.S. Postal Service. It takes as long as **two weeks** for the Postal Service to deliver mail to this office from some parts of the country. Those of you who are not on payroll deduction are urged to take advantage of this system.

You are reminded that dues are due and payable on the first day of each calendar month, which means that a member owes **two (2) months' dues** on the first day of the second month, and before midnight of the last day of the second month for which he owes dues he must remit the **two (2) months' dues** or he is automatically suspended. No demand for payment of dues or notice of non-payment thereof or delinquency is necessary or required. Further, no notice of suspension is required.

We realize this most progressive undertaking will be difficult and at times confusing to all, but with patience and perseverance we shall develop a unit of the Brotherhood that we can all be proud of. We call all of you to exhibit a true spirit of Brotherhood in our endeavors through cooperation and understanding.

With best personal regards,

Sincerely and fraternally,



International President



International Vice President

Appendix I — Letter to C. L. Dennis with attachments
attached to Head Affidavit.

APPENDIX "I"

June 20, 1974

Mr. C. L. Dennis
International President
B.R.A.C.
O'Hare International Transportation Center
6300 River Road
Rosemont, Illinois 60018

Dear Sir and Brother:

I am writing you regarding the Structure Committee report which was presented to the fourteen general of the Express Division on May 27, 1974. Of the 120 lodges listed, not one lodge had any voice whatsoever of this change. This appears to be un-american, un-democratic, and anti-union, to take away the right from any member of organization labor. I would like the privilege to refer you back to resolution 201 of 1971, which states in part: Therefore, be it further resolved that such Committee on Structure be authorized by convention action to recommend to the Executive Council on a temporary experimental basis. Structural changes in subordinate units of the B.R.A.C. which can only be effected if the involved units accept these changes.

Most of the involved units are not cognizant of the fact that a proposal has been initiated!

Mr. President, I am calling upon you to re-examine this Structure Committee changes and let the local lodges have a voice on what they want to represent these structure changes and not allow any Tom, Dick, and Harry come lately do the appointing. As I stated, one hundred and twenty local lodges have not been consulted and four system boards have not approved this action on behalf of their members. If this type of representation we have in the Express Division, then we don't need the Devlins, McGregors, or any of the general chairman that voted to accept this change before going to the membership at local levels and informing them of the changes. I understand that on June 11, 1974 International President, R. J. Devlin, addressed a letter to R. J. Corgal, Vice President Labor Relations, R. E. B. Stephens, instructing Mr. Corgal to remit dues deducted from members to Mr. G. E. Stephenson in lieu of the local financial secretaries. This is nothing more than a raid on local lodges, or as some would

ONLY COPY AVAILABLE

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

watched the bank while everyone was out to lunch. This is a serious offense, if not criminal, for it is a direct violation of the Constitution.

Now, as the International President, is constituted and has the full authority to uphold the Constitution, Article I and Article II and every section under the status of Government of the U.S. Therefore, Mr. President, I would appreciate it if you would accept and this change on structure, until it has been accepted and the members and allow them to vote via a representative system represented by in the various areas throughout the U.S. at all levels. Otherwise they are contemplating on legal action to be taken in various areas, that is, in the U.S.

I am assured that a man of your abilities can handle this matter in an intelligent and democratic way without legal action on the part of any of the membership. It would be a sad day if the membership has to resort to legal action.

Lastly, I would like clarification on the extent of Mr. McGregors' authority to make binding decisions as Chairman of the Structure Committee. My point being - that as a non-citizen of this country how can he make decisions binding members of the U.R.A.C.?

With kind and personal regards.

Sincerely,

William T. Gallagher

William T. Gallagher
4816 Wetzel Avenue
Cleveland, Ohio 44109

WTG:qp

J. D. A. Bono
J. R. Porrelli
M. Broom
J. C. Campbell
C. S. Coleman
O. Derderian
R. J. Devlin
T. J. Diehl
T. Fitzgibbon
D. J. Sullivan

J. B. Goodwin
W. L. Cranlund
G. Jackson
F. J. Kroll
L. B. Maloof
J. Reese
E. J. Reynolds
E. E. Thomas
B. F. Whitehead

ONLY COPY AVAILABLE

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

MGMBUFA BUF
2-050377E176 06/25/74
ICS IPMMTZZ CSP
7166241537 MGM TDMT HOLCOMB NY
ZIP 14218

U H Mailgram



► WILLIAM HEAD
PO BOX 40
LACKAWANNA NY 14218

WE OF THE FLOWER CITY LODGE 2181 WISH TO PROTEST THE OUTCOME
OF THE LIFTING OF OUR CHARTER AND THE CONFISCATION OF OUR TREASURY
BY THE HIGH BRAC OFFICIALS WE FEEL THAT THIS PROPOSAL IS UNDERMINED
AND UNDEMOCRATIC IT IS AS IF WE WERE LIVING AND WORKING IN A
DICTATORSHIP INSTEAD OF A AMERICA WE WISH YOU TO PROTEST THIS
AS HIGH AND AS FAR AS YOU CAN GO EVEN IF IT MEANS BRINGING IN
THE FEDERAL GOVERNMENT. TO US ALLOWING THE CONFISCATION OF OUR
TREASURY FUNDS IS THE SAME AS GIVING THEMSELVES A LICENSE TO
STEAL. AGAIN WE SAY PLEASE PLEASE PROTEST TO KEEP THE UNION
FOR THE MEMBERSHIP NOT FOR A FEW HIGH CHOSEN OFFICIALS
MEMBERS OF FLOWER CITY LODGE 2181 BY LOCAL CHAIRMAN C HARVEY
DONAHUE

2252 EDT

MGMBUFA BUF

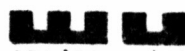
Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

MGMBUFB BUF
2-040208E176 06/25/74

ICS IPMMTZZ CSP

7173463971 MGM TDMT SCRANTON PA 18408-0101

ZIP 14218



Mailgram



► WILLIAM J HEAD
PO BOX 40
LACKAWANA NY 14218

ATTN WILLIAM HEAD
LOCAL 2023 NOT IN FAVOR OF LOSING LOCAL REPRESENTATION AND VOTE
WITHOUT A VOTE FROM THE MEMBERSHIP.
E MONAHAN LOCAL CHAIRMAN

1813 EDT

MGMBUFB BUF

Appendix I - Letter to C.L. Dennis with attachments
attached to Head Affidavit.

RECEIVED BUT
2-014122 2155 06/04/74
TCS IPMMI7Z CSP
3014235292 MGM IDMT TEMPLE HILLS
ZIP 14218

Mailgram



WILLIAM J HEAD GENERAL CHAIRMAN AND FIRST VICE PRESIDENT

P O BOX 40
LACKAWANNA NY 14218

DEAR BROTHER HEAD
AT REGULAR MONTHLY UNION MEETING MONDAY JUNE 3 1974 WE MADE
MADE AND SECOND IT OPPOSING THE RECONSTRUCTION OF THE SYSTEM
BOARDS AND THE ELIMINATION OF LOCAL LODGES NEARLY 100 MEMBERS
IN ATTENDANCE THE MEMBERS VOICED A FIRM PROTEST OF THE ELIMINATION
OF SYSTEM BOARDS AND LOCAL LODGES IN THE EXPRESSED DIVISION.
WE CONTEND THAT SYSTEM BOARDS OF ADJUSTMENTS COULD HAVE BEEN MADE
IN SUCH A MANNER AS TO PROVIDE LOCAL REPRESENTATION AS TO REMAIN
FINANCIALLY SOUND WITHOUT CLOSING OUT THE SYSTEM BOARDS AND
LOCAL LODGES WE REQUEST YOUR CONSIDERATION IN REVIEWING THE
ACTION TAKEN AT A RECENT MEETING OF THE ASSOCIATION OF EXPRESS
GENERAL CHAIRMAN VOTING ON THIS ISSUE WAS UNANIMOUS PLEASE ADVISE
US OF ACTION CONTEMPLATED IN THIS CONNECTION
SINCERELY AND FRATERNALLY
WILLIAM J HEAD PRESIDENT DISTRICT OF COLUMBIA LODGE 1077
1077 1077 WHEAT WASHINGTON DC 20027

1144 1077

1144 1077

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

2-0447382176 06/25/74

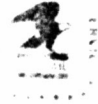
ICS IPMBNGZ CSP

5049433547 MGM TDBN NEW ORLEANS

ZIP 14218



Mailgram



▶ HEAD

NOT A

LAC-ARRNA NY 14218

MEMBERS OF LODGE 2048 ARE 100 PERCENT BEHIND YOU IN REFUSING TO
RESTRICTING WITHOUT RATIFICATION PLEASE INFORM IN THE
CONCERNING YOUR ACTIONS IN COURT LETTER TO FOLLOW
J BENIT

1959 EDT

MGMBOFB BUF

ONLY COPY AVAILABLE

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

2-048766E176 06/25/74

ICS IPMBNGZ CSP

6142680693 MGM TDBN COLUMBUS ON 06/25/74 0955 P
ZIP 14218

Mailgram



► MR WILLIAM HEAD
BOX 40
LACKAWANNA NY 14218

OFFICERS OF COLUMBUS LODGE 2051 PROTEST REMOVAL OF LOCAL LODGES
W W ANDERSON PRESIDENT MARION YOAKUM LOCAL CHAIRMAN W DODGILL
SECRETARY TREASURER

2156 EDT

MGM#UEC BUF

ONLY COPY AVAILABLE

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

2-050748E176 06/25/74

ICS IPMMTZZ CSP

2012643787 MGM IDMT HAZLET NJ 100-96-25-1103

ZIP 14218

Western Union

Mailgram



► WILLIAM HEAD
GENERAL CHAIRMAN, BRAC BOX 40
LACKAWANA NY 14210

DEAR SIR AND BROTHER, I WISH TO EMPHASIZE VERY STRONGLY AS A FORMER LOCAL CHAIRMAN WHO HAD TO RETIRE DUE TO ILLNESS I HAD OVER 200 MEN IN MY LOCAL AND THIS RECONSTRUCTION OF THE EXPRESS DIVISION OF BRAC IS IMMORAL WHEN A FEW MEN CAN TAKE THE VOTE AWAY FROM THE MEMBERSHIP AND THE UNION OFFICERS ARE ELECTED BY BACKROOM POLITICS. ISN'T THERE ANY DECENCY LEFT IN THIS WORLD? ARE THESE OFFICERS AFRAID TO FACE OPPOSITION IN THE VOTE? I BELIEVE THIS IS AGAINST THE CONSTITUTION OF BRAC AND ALSO A VIOLATION OF THE US CONSTITUTION.

J C COONEY, LOCAL 2070, NEWARK NEW JERSEY

2305 EDT

MGNBUFA BUF

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

MGMBUFB BUF
2-051259E176 06/25/74

ICS IPMMTZZ CSP

4048722834 MGM TDMT ATLANTA GA

ZIP 14218



Mailgram



WILLIAM HEAD
PO BOX 40
LACKAWANA NY 14218

MEMBERS OF LODGE 2040 OPPOSE RESTRUCTURE OF EXPRESSED DIVISION
OF BRAC WITHOUT A VOTE.

MEMBERS OF LODGE 204070 UNIVERSITY AVE SOUTHWEST ATLANTA GA
30315

2322 EDT.

MGMBUFB BUF

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

1041 101st Ave
New York, N. Y. 10022

June 12, 1974

Brother M. J. Head, General Chairman
B.R.A.C.
P.O. Box 40
Brooklyn, N. Y. 11218

Dear Brother:

The officers and brothers of B.R.A.C. have come to you on your stand against the circulation of the B.R.A.C. It is hoped that the eight brothers wielding the scapnel in this, eunuch, (unique) operation are doing so through ignorance and not in the hope of eventual gain.

It is a sad commentary on the condition of our organization that so momentous a decision effecting so many people can be acted upon in this underhanded way. We were totally unaware of what was on the agenda of this meeting or even that there was a meeting.

You can be sure of our strong support in all matters, and if we can help in any way let us know.

Sincerely,

J. P. Lawrence
J. P. Lawrence, Pres.

W. J. McElroy
W. J. McElroy, Sec.

F. J. McGee
F. J. McGee, Sec. Sec.

ONLY COPY AVAILABLE

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

MGMBUFD EUF
 <2-0374400175 05/25/74
 ICS IMM127 CSP
 7178034161 MGM 3 AM M 210 22
 ZIP 14018



Mailgram



WILLIAM LEAD
 PO BOX 40
 LACKAWANNA NY 14018

LOCAL... PRIESTS LOSING LOCAL AND ASSETS WITHOUT
 A... TO... IT
 ... CHAIRMAN 401 HUNTON ST WILKES BARRE PA
 14018

14018

WGM

ONLY COPY AVAILABLE

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

MEMBUFA BUF06A2-0494022178 06/25/74

ICS IPMTZZ CSP

3154887912 MGM IDMT SYRACUSE NY 14218 06/25/74

ZIP 14218

western union

Mailgram



► WILLIAM J HEAD
GENERAL CHAIRMAN PO BOX 40
LACKAWANNA NY 14218

MEMBERS OF SALINA LODGE 2190 PROTEST THIS ILLEGAL DICTATORIAL
ACT OF BIG BROTHERISM WE HAVE NOT VOTED ON THIS PROPOSAL WITHOUT
SUCH A VOTE SIEZED CHARTERS CONFISCATED MONEYS APPOINTED OFFICERS
ESTABLISHMENT OF SELF PERPETUATING AND POSSIBLY RIGGED ELECTIONS
ARE ACTS OF ARROGENT MEN PLEASE PROTEST TO SOME FEDERAL AUTHORITY
OR AUTHORITIES TO ALLOW US PROPER AND DUE PROCESS

ROBERT A STROUD GRIEVANCE CHAIRMAN OF SALINA LODGE 2190 119
PENNOCK ST SOLVAY NY 13209

2218 EDT

MGMBUFA BUF

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.



Telegram

6077229188 TDMT BINGHAMPTON NY 38 06-26 0034A EDT
PMS WILLIAM J HEAD, FONE AND DELIVER, FONE AT 8AM, ~~DEL~~
CARE COLLINS AND COLLINS 454 HOTEL STATLER HILTON NIAGARA SQ
BUFFALO NY 14202

ALL MEMBERS OF BROOME LODGE 2217 URGE YOU TO OPPOSE ANY MOVES
TO RECONSTRUCT OUR SYSTEMS BOARD UNLESS IT IS DONE IN A DEMOCRATIC
WAY WITH EVERY MEMBER VOTING ON THE CHANGES ACCORDING TO OUR
BY-LAW. YOURS FRATERNALLY

A P ANTONI FINANCIAL SECRETARY TREASURER

NNNN

*854-8195 gm
737 10320 mil*

Appendix I — Letter to C.L. Dennis with attachments
attached to Head Affidavit.

Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees

Buffalo, New York

Lodge No. 2144

Street Address

June 12,

1974

WHEREAS: Local 2144, BRAC, Buffalo, New York did not
agree to voluntarily surrender its charter
and assets to a newly proposed unit; and

AND WHEREAS: The proposal to form a new unit of the
Division of BRAC is not legal; therefore

RESOLVED: That the members of Local 2144 instruct their
officers to vehemently oppose the proposed
illegal action; and be it further

RESOLVED: That the officers of Local 2144 are authorized
to use the assets of this Lodge in all their
efforts to maintain the status quo.

ONLY COPY AVAILABLE

DECISION OF HON. JOHN T. CURTIN,
dated 7-25-74.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM J. HEAD

Plaintiff

-vs-

Civil 74-307

BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYEES (BRAC)

R. J. DEVLIN, Vice-President
Express Division, BRAC

C. L. DENNIS, International President
BRAC

G. E. STEPHENSON, Secretary-Treasurer
Express Division, BRAC

Defendants

APPEARANCES: COLLINS & COLLINS (JOHN T. COLLINS,
of Counsel), Buffalo, New York, for
Plaintiff.

REILLY, FLEMING & REILLY (DAVID J.
FLEMING, of Counsel), New York,
New York, and
McMAHON & CROTTY (THOMAS P. McMAHON,
of Counsel), Buffalo, New York,
for BRAC, Devlin, Dennis & Stephenson.

This action, based on 29 U.S.C. §501(a), in-
volves the complaint of a General Chairman of the Bro-
therhood of Railway, Airline and Steamship Clerks

[B.R.A.C.] to enjoin the International Union from transferring funds from the 120 local lodge treasuries with the B.R.A.C. to the newly formed Express Division, B.R.A.C. in New York City. Plaintiff's request for a temporary restraining order was denied and oral argument was heard on July 12, 1974. Pending for decision before the court at this time is defendants' motion to dismiss for failure to state a claim or, in the alternative, for summary judgment.

The factual background developed at the hearing follows. The International formed a committee to look into reorganization due to the dwindling membership in defendant Union. This plan would finally be submitted to the general convention to be held in 1975. On July 1, 1974 the functions of a number of local unions were transferred to the International to be taken care of in the future by regional instead of local organizations. Defendants claim that the above transfers were approved by the resolutions previously voted on. However, the plaintiff argues that the resolutions give only the authority to submit a plan to the general convention in

Decision of Hon. John T. Curtin, dated 7-25-74.

-3-

1975. Plaintiff claims that the transfers are a violation of 29 U.S.C. §501 because the funds of the locals will be dispersed, mismanaged and embezzled. However, there is no proof in the record of any present fiscal mismanagement.

The court believes that the facts alleged by plaintiff do not rise to a legally cognizable claim under 29 U.S.C. §501 and its judicial interpretation in this Circuit. See Coleman v. Brotherhood of Railway & Steamship Clerks, etc., 340 F.2d 206 (2d Cir. 1965); Carton v. Arons, 339 F.2d 371 (2d Cir. 1964). The Second Circuit has taken what has been referred to as "a restrictive view" of Section 501, see Pignotti v. Local #3 Sheet Metal Workers' Int. Ass'n., 477 F.2d 825 (3d Cir. 1973), that Section 501 "relates solely to questions of financial dealings . . . to matters of money and property." Guarnaccia v. Kenin, 234 F.Supp. 429, 442 (S.D.N.Y. 1964). This court declines to depart from the above interpretation of Section 501. Under the facts produced, there are no supported claims of present financial mismanagement. Even if the national office acted

ONLY COPY AVAILABLE

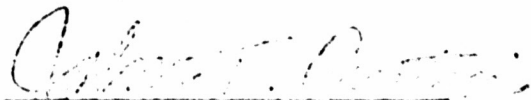
Decision of Hon. John T. Curtin, dated 7-25-74.

-4-

beyond its authority in effecting the transfers, this is something which the general convention could always rectify in 1975. "[t]he present union procedures . . . do not appear to be unreasonable and 'intermeddling by the courts' would seem inappropriate." Freitach v. District Council No. 9, Brotherhood of Printers, Decorators and Allied Trades of America, 493 F.2d 1051, 1054 (2d Cir. 1974).

The defendants' motion to dismiss the complaint is, therefore, granted.

So ordered.


JOHN T. CURTIN
United States District Judge

DATED: July 25, 1974

ONLY COPY AVAILABLE



Records and Briefs for State and Federal Courts

SPAULDING LAW PRINTING CO.

ESTABLISHED
1881

313 MONTGOMERY STREET • SYRACUSE, N.Y. 13202 • PHONE AC 315 HA2-4805

RUSSELL D. HAY, owner

AFFIDAVIT OF SERVICE

RE: WILLIAM J. HEAD v. BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION
EMPLOYEES (BRAC), et al.

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:
CITY OF SYRACUSE)

EVERETT J. REA , being duly sworn, deposes and says:

That he is associated with Spaulding Law Printing Company of Syracuse,
New York, and is over twenty-one years of age.

That at the request of COLLINS, COLLINS & DINARDO, Attorneys for
Appellant,

he personally served three (3) copies of the printed ~~[Record]~~ ~~[Brief]~~
[Appendix] of the above-entitled case addressed to:

REILLY, FLEMING & REILLY
Attorneys at Law
1414 Avenue of the Americas
New York, N. Y. 10019

WILLIAM J. DONLON, ESQ.
Attorney at Law
6300 River Road
Rosemont, Ill. 60018

by depositing true copies of the same securely wrapped in a postpaid wrapper
in a Post Office maintained by the United States Government in the City of
Syracuse, New York on November 20, 1974.

... *Everett J. Rea* ...

Everett J. Rea

Sworn to before me this 20th
day of November, 1974.

Russell D. Hay
Commissioner of Deeds

